

06/16/2016

**Michigan Department of Health & Human Services - Division of Child Welfare Licensing
Non-Contracted Placing Agency Foster Care – Audit Sheet**

Blue : Rule Interpretations

Master Contract Templates are located at : http://www.michigan.gov/dhs/0,4562,7-124-5455_7199---,00.html

<input type="checkbox"/> Original <input type="checkbox"/> Renewal <input type="checkbox"/> Interim <input type="checkbox"/> Follow-up <input type="checkbox"/> Complaint <input type="checkbox"/> Other	Authorized to: 1. Certify Homes for Foster Care Licensure 2. Receive Children for Placement in Foster Care 3. Supervise Independent Living 4. Evaluate Applicants for Adoption 5. Place and Supervise Children with Adoptive Parents	Institution Name		V – Violation T – Tech Assist C – Consultation &
		License #		
		City / County	Inspection Dates Click here to enter a date.	
		Consultant		

1. Number of Current Foster Homes ____ 2. Number of homes pending licensure ____ 3. Number of Foster Homes Closed since last inspection ____ 4. Number of Foster Homes borrowed since last inspection ____ 5. Number of Special Investigations in Foster Homes since last inspection ____ 6. Number of incidents of substantiated child abuse and/or neglect in foster care since last inspection ____ 7. Number of incidents of substantiated corporal punishment in foster care since last inspection ____ 8. Number of Children currently placed in licensed foster homes ____ 9. Number of children discharged from foster homes since last inspection ____	10. Number of children whose sibling groups were split____ 11. Number of children who have had 3 or more placements____ 12. Number of children with unlicensed relatives____ 13. Number of youth in Independent Living placements ____ 14. Number of youth discharged from an Independent Living placement since last inspection ____ 15. Number of Applicants Evaluated For Adoption since last inspection ____ 16. Number of Applicants denied a recommendation to adopt since last inspection ____ 17. Number of Adoptive placements since last inspection____	18. Number of Child adoption assessments completed since last audit ____ 19. Number of Adopted Children currently in Supervision ____ 20. Number of children free for adoption for more than 12 months____ 21. Number of acceptable corrective action plans [not related to maltreatment of foster children] submitted by this agency since last inspection ____ 22. Did the agency provide quarterly reports of Foster Parent Grievances and resolutions? ____ 23. Did the consultant visually observe the controlled storage area for CHRI and verify that it meets requirements of SRM 200 ? ____ 24. Did the consultant visually observe the method for disposal of CHRI (cross-shredder or incinerator) ____
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PART 2. AGENCY SERVICES

Child Placing Agency Definitions

Public Act 116 Definitions

R 400.12103 Staff exception. [RI.103](#) An agency who has a person in a position that is regulated by these rules and who was approved before the effective date of these rules shall be considered qualified for the position.

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R 400.12104 Deemed status. [RI.104](#)

Rule 104. (1) The department may accept, for the purpose of determining rule compliance, evidence that the child placing agency is accredited by the council on accreditation or other nationally recognized accrediting body whose standards closely match state licensing regulations.

(2) All of the following apply to deemed status:	
(a) The organization may request deemed status when the accreditation site inspection is less than 12 months old.	
(b) When deemed status is requested, an organization shall submit a copy of the most recent accreditation report to the department.	
(c) An organization shall only be eligible for deemed status if the license is on a regular status.	
(3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site inspections or investigations of any rule at intervals determined by the department.	
R 400.12105 Public review. An agency shall make all written policies, procedures, and program statements, required by these administrative rules, available for review by the public.	
R 400.12202 Policy and procedures. RI.202 An agency shall have and follow written policies and procedures for all of the following:	
(a) Financial stability.	
(b) Facilities.	
(c) Required staff.	
(d) Staff qualifications.	
(e) Staff responsibilities.	
(f) Job descriptions.	
(g) Orientation and training.	
(h) Grievance handling.	
(i) Privacy safeguards.	
(j) Personnel records.	
R 400.12203 Financial stability. RI.203 Rule 203. (1) An agency shall initially and annually develop and implement a plan of financing for the operation of the agency in carrying out its programs and meeting the requirements for licensing. A plan of financing shall include all of the following:	
(a) A listing of all income sources and the anticipated amount of income for the current fiscal year.	
(b) An annual budget for the current fiscal year.	
(c) A copy of the income and expenditures from the previous fiscal year.	
(d) A copy of the nonprofit tax return from the previous fiscal year.	
(2) Subdivision (d) and (e) of subrule (1) do not apply to a governmentally operated agency.	
(e) An audit of all financial accounts conducted annually by an independent certified public accountant not administratively related to the agency. A copy of the audit shall be available to the department upon request	
(2) Subdivision (d) and (e) of subrule (1) do not apply to a governmentally operated agency.	
R 400.12204 Facilities. RI.204 Rule 204. (1) An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.	
(2) An agency shall have physical office space with a Michigan street address.	
(3) An organization may maintain satellite offices when the following conditions are met:	
(a) The agency has notified the department in writing prior to opening the satellite office and has received approval to open the satellite office.	
(b) The agency provides on-site supervision at the satellite office at least 2 days a week.	

(c) The files are made available for review at the agency main location when requested by the department.	
R 400.12205 Required staff. RI.205 Rule 205. (1) An agency shall employ or contract for all of the following staff positions: (a) Chief administrator. (b) Social service supervisor. (c) Social service worker.	
(2) An agency shall appoint a chief administrator who possesses at least 1 of the following: (a) A master's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 2 years of experience in an agency or child caring institution, at least 1 of which is in a management capacity. (b) A bachelor's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 4 years of post- bachelor's degree experience in an agency or child caring institution, at least 2 of which are in a management capacity.	
(3) An agency shall report any change of chief administrator by the next business day to the department.	
(4) An agency shall appoint a social service supervisor who possesses the qualifications specified in either of the following provisions: (a) A master's degree from an accredited college or university in a human behavioral science and 1 year of experience as a social service worker in an agency.	
(4) An agency shall appoint a social service supervisor who possesses the qualifications in either of the following: (a) A master's degree from an accredited college or university in a human behavioral science or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences and 1 year of experience as a social service worker in an agency, or a child caring institution, or in an agency in a child welfare function. (b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which are in an agency or in a child caring institution, or in an agency in a child welfare function.	
(5) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.	
(6) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.	
(7) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (6) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.	
(8) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member shall not be more than any of the following: (a) Five social service workers per supervisor.	
(b) Fifteen children assigned to a social services worker for purposes of providing direct services in foster care, independent living, adoption, or post adoption services or a combination thereof.	
(c) Thirty certified or enrolled foster homes per social service worker.	
R 400.12206-Staff qualifications. RI.206 (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who is of good character and emotionally stable and who has the ability, experience, education, and training to perform the duties assigned.	
An agency's policy on staff qualifications shall state all of the following: (a) A person who has unsupervised contact with children may not have been convicted of either of the following: (i) Child abuse or neglect.	

(ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.	
(b) A person who is listed on the central registry as a perpetrator of child abuse or child neglect shall not have unsupervised contact with children	
R 400.12207 Staff responsibilities. RI.207 Rule 207. (1) An agency shall designate that the chief administrator is responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.	
(2) An agency chief administrator shall be administratively responsible for all of the following functions:	
(a) Not less than once annually, conduct written assessment and verify the agency's compliance with the applicable provisions of these rules.	
(b) Assess all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes to identify systemic trends and patterns of those disrupted and unplanned removals.	
(c) Within 6 months, develop and implement a written plan to correct, noncompliance identified in subdivision (a) of this subrule and address causes of disrupted and unplanned removals identified in subdivision (b) of this subrule.	
(d) Provide space for staff and children served to be interviewed privately by police, regulatory staff, or other entities investigating activities of the agency related to safety of children and compliance with statute and promulgated rules.	
(3) An agency shall require that social service workers be directly responsible for all of the following activities:	
(a) Placing and supervising children in out-of-home care. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.	
(b) Assessing and certifying private family homes for licensure and supervising the homes.	
(c) Conducting evaluations of private family homes for purposes of adoption.	
(d) Assessing of children for adoptive placement.	
(4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but shall not have responsibility for any of the following:(a) Case planning.(b) Selecting placements.(c) Foster home certification.(d) Making visits required under R 400.12419, R 400.12505, R 400.12711 or R 400.12806 (e) Conducting adoptive family evaluations.	
R 400.12208 Job descriptions. RI.208 (1) An agency shall have a current written job description for each staff position.	
(2) Each job description shall contain all of the following information:	
(a) Prescribed duties and functions.	
(b) Specific education, knowledge, experience, and skills necessary to provide services to children and families served by the agency.	
(c) Lines of authority.	
(3) An agency shall give copies of job descriptions to staff at the time of employment in a specified position and when the job description is revised.	
(4) Practice shall conform to the job description.	
R 400.12210 Grievance handling. RI.210 (1)An agency shall have a written grievance handling procedure.	
(2) The procedure shall provide for all of the following:	
(a) Safeguard the legal rights of children, their families, foster families, releasing parents, and adoptive families served.	
(b) Address matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.	
(c) Delineate the method of initiating the procedure.	
(d) Specify time frames for decisions.	

(3)	An agency shall provide a grievant with a written copy of the grievance resolution.	
R 400.12211	Privacy safeguard. RI.211 (1) An agency shall safeguard the privacy of a child and his or her family.	
(2)	An agency shall not use a child's identity for publicity purposes unless a positive value accrues to the child.	
(3)	An agency shall obtain the written consent of a parent or legal guardian before using a child, a picture of a child, or a child's name in any form of agency publicity.	
PA116 722.120 Section 10.(2)	Does the agency protect confidential information in a report?	
R 400.12213	Record Management. RI.213 An agency shall do all of the following with respect to maintenance of required records:	
(a)	Protect each record against destruction and damage.	
(b)	Keep each record in a uniform fashion.	
(c)	Store and maintain each record in a manner to ensure confidentiality and to prevent unauthorized access.	
722.119 Sec. 9 (PA116 Amendment)		
	Is there a policy on the supervision of volunteers and volunteering parents of children receiving services?	
	Are all volunteers are free of a felony conviction involving harm or threatened harm to an individual during the 10 years preceding the date of offering to volunteer.	
PART 3. FOSTER HOME CERTIFICATION		
R 400.12301	Department authorization. RI.301 (1) An agency shall be authorized by the department to certify foster homes for licensure.	
(2)	An approved governmental unit shall comply with the provisions of this part to be authorized to certify foster homes for licensure.	
R 400.12302	Program statement. RI.302 An agency shall have and follow a current written program statement that includes all of the following information:	
(a)	Types of foster care provided.	
(b)	Age, race, ethnic background, and specific characteristics of children served.	
(c)	Types and numbers of foster homes needed.	
(d)	Types of services provided to foster families.	
(e)	Geographical area covered.	
R 400.12303. Policy and procedures.		
	Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure. An agency may not have a policy related to certifying homes that violates Section 102 of the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2102.	
(2)	Policies and procedures shall cover all of the following areas and be on forms provided, and in a manner prescribed, by the department:	
(a)	Recruitment and retention.	
(b)	Certification training.	
(c)	Application request.	
(d)	Orientation.	
(e)	Application submission.	
(f)	Records check.	

(g) Initial evaluation.	
(h) Foster parent/agency agreement.	
(i) Foster parent training.	
(j) Behavior management.	
(k) Religion.	
(l) Communication.	
(m) Personal possessions.	
(n) Allowance and money.	
(o) Clothing.	
(p) Substitute care.	
(q) Supervision.	
(r) Hazardous materials.	
(s) Unusual incidents.	
(t) Emergency policy.	
(u) Reevaluation.	
(v) License recommendation	
(w) Borrowed home.	
(x) Special evaluation.	
(y) Foster home record.	
R 400.12304. Recruitment and retention. RI.304 Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes to meet the needs of children served by the agency. (2) An agency shall develop, implement, and maintain a program of foster home retention that includes foster parent involvement.	
R 400.12305. Certification training. RI.305 Rule 305. (1) An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department. (2) An agency shall ensure that all social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.	
R 400.12306 Application request. RI.306 Rule 306. (1) An agency shall provide an orientation for prospective applicants for a foster home license before a foster home application is provided.	
R 400.12307 Orientation. RI.307 Rule 307. An agency foster parent orientation shall consist of all of the following areas: (a) Purposes of foster care. (b) Characteristics and needs of the children placed by the agency. (c) Attachment and separation issues. (d) Impact of fostering on the foster family.	

(e) Role of the foster family.																															
(f) Licensing process.																															
(g) Grievance procedure.																															
(h) Importance of a child's family.																															
(i) Parent and sibling visits.																															
(j) Agency foster care policies and procedures.																															
(k) Agency foster parent training requirements.																															
(l) Supportive services and resources.																															
(m) Provisions of the children's ombudsman act.																															
(n) Provisions of the child protection act.																															
(o) Foster care review board appeal procedures.																															
<p>MCL722.953 – At orientation, does the agency provide a copy of the Foster Parent Bill of Rights and provide their foster parents information on utilizing the Foster Parent Bill of Rights as part of the child placing agency's orientation? Foster Parent Bill of Rights - http://legislature.mi.gov/doc.aspx?mcl-722-958a.</p>																															
<table border="1"> <tr> <th colspan="2">Open Foster Home Sample Size</th> </tr> <tr> <td>Less than 3</td> <td>All</td> </tr> <tr> <td>4 to 30</td> <td>3</td> </tr> <tr> <td>31 to 60</td> <td>6</td> </tr> <tr> <td>Over 61</td> <td>8</td> </tr> </table>	Open Foster Home Sample Size		Less than 3	All	4 to 30	3	31 to 60	6	Over 61	8	<table border="1"> <tr> <td colspan="2"></td> <td>1.</td> <td>2.</td> <td>3.</td> <td>4.</td> <td>5.</td> <td>6.</td> <td>7.</td> <td>8.</td> </tr> <tr> <td colspan="2" rowspan="5"> Number of <u>Open Foster Homes</u>: </td> <td colspan="8" rowspan="5"> Names: </td> </tr> <tr></tr> <tr></tr> <tr></tr> <tr></tr> </table>			1.	2.	3.	4.	5.	6.	7.	8.	Number of <u>Open Foster Homes</u>:		Names:							
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R 400.12306 Application request. RI.306 Rule 306. (1) An agency shall provide an orientation for prospective applicants for a foster home license before a foster home application is provided.																															
(2) An agency shall document that an applicant expresses a willingness to care for the types of children served by the agency before providing a foster home application.																															

(3) An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all of the following: (a) A copy of the act.								
(b) Administrative rules for foster homes.								
(c) Administrative rules for child placing agencies.								
(d) Good moral character rules.								
(e) The child protection law.								
(f) The children's ombudsman act.								
(g) The agency's program statement.								
(h) The agency's foster care services policies.								
(i) The agency's foster parent training requirements.								
(4) An agency shall document that the licensee has been given an application for renewal of the license not less than 60 calendar days before the expiration date of the license.								
R 400.12308 Application submission. RI.308 (1) An agency shall act on a completed and signed application.								
(2) An agency shall require both caregivers in a 2-caregiver household to sign the application.								
(3) An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate with the completion of the licensing process.								
R 400.12309 Records check. RI.309 Rule 309. (1) An agency shall, upon receipt of an application, request the department of state police to conduct both a criminal history check and a criminal records check through the federal bureau of investigation for applicants.								
SRM 200, p. 12-13 – storage of CHRI, results for certification may be stored in foster home records only, results for adoption may be stored in adoption files only.								
The agency shall also request the department to conduct a criminal history check on all persons residing in the home over 18 years of age.								
Additional checks shall pertain to previous licenses, and substantiated child abuse and neglect records for all applicants and persons residing in the home 18 years of age or over.								
(2) An agency shall-initiate a new records check if it receives information indicating a lack of good character or suitability of any person residing in the home who is 18 years of age or over who is not a licensee.								
(3) An agency shall initiate a criminal history check of a resident minor within 30 days after turning 18 years of age.								
R 400.12310 Initial evaluation. RI.310 Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure.								
(2) The report shall include the dates and places of contacts and persons interviewed or observed.								
(3) The report shall be an assessment of all of the following: (a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following: (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.								
(ii) Educational history and any special skills and interests.								

(iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.							
(iv) Physical, mental, and emotional health of each member of the household.							
(v) Any history of substance abuse, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment received.							
(vi) Current substance use, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment currently being received.							
(vii) Parenting skills and attitudes toward children.							
(viii) Methods of discipline of children.							
(ix) Adjustment and special needs of the applicant's own children including children not living in the home.							
(x) Strengths and weaknesses of each member of the household.							
(xi) Experiences with own parents and any history of out-of-home care.							
(xii) Reasons for applying to be a foster family.							
(xiii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.							
(xiv)-Willingness to accept a foster child with the child's individual characteristics, needs, and background.							
(xv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.							
(xvi) Willingness and ability to work with birth families and to understand the foster child's attachment to the birth family.							
(xvi) An understanding of and willingness to participate in concurrent planning.							
(xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.							
(xix) Existence of social support system and alternate care providers.							
(xx) Spirituality or religious beliefs.							
(b) Previous adoption evaluations or placements.							
(c) Previous criminal convictions, and substantiated child abuse or neglect investigations or concerns brought to the agency's or department's attention for any member of the household.							
(d) Three current references from persons not related to the applicants. The agency shall evaluate any negative references.							
(e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the initial evaluation.							
(f) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.							
CI 16-019 – For foster homes located in the Flint water catchment area, did the worker document that they observed water filters in the home and a system for changing cartridges?							
(g) Assessment of the neighborhood, schools, community and available resources.							
(h) The age, number, gender, race, ethnic background, and the special characteristics of children preferred by the applicants.							

(i) Training needs of the family.								
(4) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications shall include the following: (a) Age								
(b) Gender								
(c) Race								
(d) Number of children preferred by the family.								
(e) Characteristics of children best served by the family,								
(f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.								
(5) An agency shall inform the applicant of the department's policies and procedures regarding concurrent planning.								
(6) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.								
R 400.12311 Foster parent/agency agreement. RI.311								
Rule 311. (1) An agency shall have a written foster parent/agency agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.								
(2) The foster parent/agency agreement shall contain all of the following provisions:								
(a) The responsibilities of the agency.								
(b) The services to be provided to foster children and the foster family.								
(c) The responsibilities of the foster family.								
(d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.								
(e) The role of the lawyer guardian ad litem and the court.								
(3) An agency shall document review of the foster parent/agency agreement with the foster family at least annually and, when needed, develop a new agreement.								
(4) An agency shall give a foster family a copy of the signed current foster parent/agency agreement.								
CI 16-019 – For foster homes located in the Flint water catchment area, did the worker document that they observed water filters in the home and a system for changing cartridges?								
R 400.12312 Foster parent training. RI.312								
Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.								
(2) The foster parent training plan shall provide for all of the following:								
(a) The individual training needs of the foster parents.								
(b) Not less than 12 hours of training to be completed by each person named on the license a recommendation is made for licensure. Not more than 6 hours of orientation may be included as part of the initial 12 hours of training.								
(c) Not less than 6 hours of training annually for each licensee after the time periods specified in subdivisions (b) of this subrule.								
(3) The training specified in subrule (2)(a) and (b) of this rule shall address all of the following areas:								
(a) Characteristics and needs of children who may be placed into the home.								
(b) Safe sleep practices for infants.								
(c) Effective parenting.								

(d) Behavior management, including de-escalation techniques.								
(e) Importance of the foster child's family.								
(f) Concurrent planning.								
(g) Role of the agency.								
(h) Emergency procedures, first aid, and fire safety.								
(i) Preparation of the foster child for permanence and independence.								
(j) The role of the court and lawyer guardian ad litem in permanency planning.								
(4) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross.								
(5) An agency shall document all training received by each foster parent.								
R 400.12313 Behavior management policy. RI.313 Rule 313. (1) An agency's behavior management policy shall identify appropriate and specific methods of behavior management for foster children.								
(2) An agency shall ensure that methods of behavior management for a foster child are positive and consistent, based on each foster child's needs, stage of development, and behavior, and promote self-control, self-esteem, and independence. Problems of child training shall be handled with sympathy and understanding.								
(3) All of the following are prohibited:								
(a) Corporal punishment, excessive restraint, or any kind of punishment inflicted on the body.								
(b) Confinement in an area such as a closet or locked room.								
(c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.								
(d) Mental or emotional cruelty.								
(e) Verbal abuse, threats, or derogatory remarks.								
(f) Prohibiting visits or communication with a foster child's family.								
(g) Denial of necessary educational, medical, counseling, or social work services.								
(4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or to prevent serious property damage.								
R 400.12314 Religion policy. RI.314 Rule 314. An agency's religion policy shall, at a minimum, ensure that the foster child has the opportunity to receive religious instruction and attend religious services. A foster child shall not be required to attend religious services or follow specific religious doctrine.								
R 400.12315 Communication. RI.315 Rule 315. An agency's communication policy shall ensure that a child is able to communicate with family and friends in a manner appropriate to the child's functioning and consistent with the child's treatment plan.								
R 400.12316 Personal possessions. RI.316 Rule 316. An agency's personal possessions policy shall, at a minimum, address both of the following: (a) Assuring that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.								

(b) All gifts and clothing that are purchased for the child during placement with the foster family shall remain the property of the foster child.							
R 400.12317 -Allowance and money policy. RI.317							
Rule 317. (1) The agency's policy on allowance shall, at a minimum, specify the following:							
(a) General guidelines that provide a monetary range based on a child's age.							
(b) Allowance for specific youth will be determined by the social services worker and the foster parent based on the child's age and treatment needs.							
(c) How the agency monitors allowance.							
(2) Any money earned or received directly by the child remains the property of the child.							
R 400.12318 Clothing policy.							
Rule 318. The agency's clothing policy for foster parents shall specify both of the following:							
(a) A foster parent shall ensure that a foster child has the minimum required clothing specified by the agency's policy and leaves the foster home with not less than the minimum required clothing.							
(b) All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.							
R 400.12319 Substitute care policy. RI.319							
Rule 319. An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:							
(a) Qualifications for substitute caregivers, consistent with the requirements of 1973 PA 116 and child care licensing rules.							
(b) Conditions under which substitute care may be utilized.							
(c) Any planned substitute care shall be consistent with the child's treatment plan.							
(d) Notification of the agency, by the foster parent, before the beginning of any planned overnight substitute care.							
(e) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.							
(f) A foster parent must notify any substitute care provider of the agency's policies relating to care and supervision and the care provider must follow the policies.							
R 400.12320 Supervision. RI.320							
Rule 320. An agency's supervision policy shall, at a minimum, state that a foster parent shall provide appropriate care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.							
R 400.12321 Hazardous materials policy. RI.321							
Rule 321. An agency's hazardous materials policy shall, at a minimum, contain both of the following provisions:							
(1) Dangerous and hazardous materials, objects, weapons, chemicals, medication, or equipment that may present a risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.							
(2) Proper handling of firearms includes the following:							
(a) Storage in a locked metal or solid wood gun safe, or trigger-locked and without ammunition in a locked area.							
(b) Storage of ammunition in a separate locked location.							
(c) Registration of a handgun. Documentation of the registration of the handgun shall be available for review.							

R 400.12322 Unusual incident policy. RI.322							
Rule 322. (1) An agency's unusual incident policy shall, at a minimum, include immediate notification to the agency by the foster parent of either of the following incidents:							
(a) When a foster child is missing from a foster home.							
(b) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.							
(2) An agency's unusual incident policy shall, at a minimum, include notification to the agency by the foster parent of any of the following incidents within 24 hours of knowledge of the incident:							
(a) A foster child's involvement with law enforcement authorities.							
(b). Any illness or injury that requires hospitalization or emergency medical care of a foster child.							
(c) Pregnancy of a foster child.							
(d) Incidences of child-on-child abuse.							
(e) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.							
R 400.12323 Emergency policy. RI.323							
Rule 323. (1) An agency's emergency policy shall, at a minimum, contain provisions for ensuring that a foster parent has agency-approved written procedures for each of the following emergencies: (a) Fire. (b) Tornado. (c) Serious accident or injury.							
(2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.							
R 400.12324 Reevaluation. RI.324							
Rule 324. (1) An agency shall conduct an annual on-site visit and complete a written reevaluation of a foster home.							
(2) The annual reevaluation shall include a determination and assessment of all of the following:							
(a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.							
(b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.							
(c) Training needs of the family.							
(d) Compliance with the licensing rules for foster homes.							
CI 16-019 – For foster homes located in the Flint water catchment area, did the worker document that they observed water filters in the home and a system for changing cartridges?							
(e) Compliance with the agency's written policies and procedures.							
(3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.							
(4) An agency shall document placement specifications consistent with the information contained in the reevaluation. The placement specifications shall include all of the following: (a) Age,							
(b) Gender,							
(c) Race,							
(d) Number of children preferred by the family,							
(e) Characteristics of children best served by the home,							

(f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.							
(5) An agency shall inform the foster parent of and discuss the agency's policy and procedures regarding concurrent planning.							
(6) An agency shall complete a licensing record clearance request form on each adult non-licensee member of the household, including foster youth who turn 18 years of age, prior to each renewal and shall assess the results of the record check.							
(7) An agency shall notify the foster parent that a copy of the reevaluation is available upon request.							
(8) An agency shall complete a reevaluation and shall make a licensing recommendation to the department at least 15 calendar days before the expiration date of the foster home license.							
R 400.12325 License recommendation. RI.325 Rule 325. (1) An agency shall recommend to the department the appropriate licensing action consistent with facts contained in the foster home evaluation and any special evaluations.							
(2) An agency shall document foster home license changes in the foster home record and shall communicate the changes immediately to the department in the manner prescribed by the department.							
(3) Except for an original license, an agency shall recommend to the department the issuance of a regular license or the continuation of an active license only when all rules are in compliance or both of the following conditions exist: (a) All non-compliances relating to the recommendation are correctable.							
(b) A written corrective action plan has been developed. The plan shall be in compliance with all of the following requirements: (i) Specify the methods, the persons responsible, the time frames for correction; methods for ensuring the safety of any children placed in the home; how continuing compliance will be maintained once compliance is achieved; consequences if the corrective action plan is not completed; and what documentation will be required to demonstrate compliance or completion.							
(ii) Require that the corrective action be completed within six (6) months of being signed.							
(iii) Be signed and dated by the foster parent and the agency.							
(4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when both of the following conditions exist: (a) The agency complies with subrule (3)(a) and (b) of this rule.							
(b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.							
(5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license only when both of the following conditions exist: (a) The applicant or the foster parent falsifies information or, the applicant or the foster parent willfully and substantially violates the act, 1 or more of the licensing rules for foster homes, or the terms of the license,							
(b) The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.							
(6) An agency shall provide the department with all documentation that details the basis for the agency's recommendation or any requested documentation for a department licensing action.							

(7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.									
Special Investigation Sample Size	Number of <u>Special Investigations</u>: Names:	1.	2.	3.	4.	5.	6.	7.	8.
There is not a specific sample size for special investigations									
R 400.12327 Special evaluation. RI.327 Rule 327. (1) An agency shall do all of the following when anyone in the agency receives information that relates to possible noncompliance with any foster home rule: (a) Submit a special investigation record to the department's licensing authority within 5 working days in the manner prescribed by the department.									
(b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.									
(c) Conduct a thorough investigation including all necessary collateral contacts.									
(d) Notify all social service workers who have children placed in the home that a special evaluation has been initiated.									
(2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation: (a) That a special evaluation has been initiated.									
(b) A clear description of the allegations.									
(c) That the foster parents may involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.									
(3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension and the expected length of the extension. The total time for the completion of the investigation shall not exceed 90 calendar days without written approval from the chief administrator or his or her designee.									
(4) Before completion of the written report required by subrule (6) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.									
(5) Within 15 days of the conclusion of the evaluation, an agency shall complete a written report that includes all of the following information: (a) The date the information was received.									
(b) Identification of the information source, unless anonymous or confidential, as specified in the child protection law, 1975 PA 238, MCL 722.621 to 722.638.									
(c) The allegations.									

(d) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names shall not be included in the report.								
(e) Findings of fact, based upon the evaluation.								
(f) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.								
(g) Any change in the agency's decision regarding the number, gender, age, race, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.								
(h) Recommendations regarding licensing action and any required corrective action.								
(6) An agency shall do all of the following:								
(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.								
(b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.								
(c) Provide a copy of the report to any social services worker that has children placed in the home.								
(7) If any violations are cited and there is a signed corrective action plan, all social service workers who have children placed in the home shall be notified there is a corrective action plan and what is required of the foster parent in that plan.								
PA116 722.120 Section 10.(2) Does the agency protect confidential information in a report such as the involvement of CPS?								

Borrowed Homes Sample Size	
Less than 3	All
4 to 30	3
31 to 60	6
Over 61	8

Number of Borrowed Foster Homes:

Names:

	1.	2.		4.	5.		7.	8.
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[illegible]

<p>Number of <u>Borrowed Foster Homes:</u></p>	8.	
	7.	
	6.	
	5.	
	4.	
	3.	
	2.	
	1.	

Names:

R 400.12326 Borrowed home. RI.326 Rule 326. (1) Before placing a child in a foster home certified by another agency or tribe, the agency shall have a record containing all of the following documents: (a) Prior approval from the certifying agency authorizing the placement of a child in the home. (b) Documentation that the foster parent is willing to accept the foster child. (c) A copy of the initial evaluation with written endorsement by the borrowing agency that the evaluation is acceptable. (d) A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable. (e) A list of all children currently placed in the home. (f) Documentation that the foster parent has received orientation to the policies of the borrowing agency. (g) A copy of the foster parent /agency agreement signed by the foster parent and the borrowing agency. (h) A copy of the current children's foster home license application and children's foster home licensing transaction record documents from the certifying agency. (i) A copy of all special evaluations completed during the last 2 years. (2) The borrowing agency is responsible for securing the items identified in subrules (1) (d), (e), (g), (h), and (i) of this rule annually for the duration of the child's placement. (3) The certifying agency is responsible for certification functions, including special evaluations, and shall share all information regarding changes in the home with all agencies that have children in placement in the home.																
Closed Foster Homes Sample Size <table border="1"> <tr> <td>Less than 3</td> <td>All</td> </tr> <tr> <td>3 to 30</td> <td>2</td> </tr> <tr> <td>31 to 60</td> <td>4</td> </tr> <tr> <td>Over 61</td> <td>8</td> </tr> </table>		Less than 3	All	3 to 30	2	31 to 60	4	Over 61	8	Number of Homes Closed Since Last Audit :		Names:				
Less than 3	All															
3 to 30	2															
31 to 60	4															
Over 61	8															

R 400.12328 Foster home record. RI.328								
Rule 328. (1) An agency shall maintain a foster home record for each foster home.								
(2) The record shall contain all of the following information:								
(a) All documents pertaining to certification of the home.								
(b) Any special evaluation reports.								
(c) Placement agreements between a foster parent and the agency.								
(d) A placement list of all children placed in the foster home, including all of the following information about each child:								
(i) Name, age, gender, and race of the child.								
(ii) Date of placement.								
(iii) Date of, and reasons for, a child's removal from the foster home.								
(e) Any written response from a foster parent, as provided by R 400.12327(6)(b).								
(3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items: (a) Pending evaluation reports and documents. (b) Records of privileged communication. (c) Criminal records, police reports, child protective services information, and social security numbers from any source.								
(4) An agency shall maintain records for not less than 7 years after closure.								
PART 4. FOSTER CARE SERVICES								
R 400.12401 Department authorization. An agency shall be authorized by the department to receive children for placement in licensed foster homes.								
R 400.12402 Program statement. RI.402 An agency shall have and follow a current written program statement that includes all of the following information: (a) Types of foster care provided.								
(b) Age, race, ethnic background, and specific characteristics of children served.								
(c) Types of services provided to foster children and their families.								
(d) Geographical area covered.								
R 400.12403. Policy and procedures. RI.403								
Rule 403. (1) An agency shall have and follow written policies and procedures for the foster care services provided.								
(2) The policies and procedures shall cover at least all of the following areas:								
(a) Placement.								
(b) Change of placement.								
(c) Education.								
(d) Clothing.								
(e) Medical and dental care.								
(f) Unusual incidents.								
(g) Hazardous materials.								
(h) Foster parent information.								
(i) Service plans.								

(j) Visitation.											
(k) Foster care record.											
(3) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.											
Sample Size Children in Foster Care		Number of <u>Children Currently in Foster Care</u>:	Child Names:	1.	2	3	4	5	6	7	8
Less than 3	All										
4 to 30	3										
31 to 60	6										
Over 61	8										
For items 1-5, mark all that apply with an "X":		1.Placed in Licensed Foster Home									
		2.Placed with Unlicensed Relative									
		3.Sibling Split									
		4.Native American									
		5. Placed in a CCI									
R 400.12404. Placement. RI.404											
Rule 404 (1) An agency shall only place a child with an adult who is legally related to the child, is a legal custodian, or in a licensed foster home, except as permitted in R 400.12709.											
(2) Initial consideration shall be given to placement with a relative and/or placing siblings together.											
(3)An agency's placement of a child in a foster home shall be consistent with the placement specifications for the home.											
(4) An agency shall consider all of the following factors in selecting an appropriate placement for a child:											
(a) The permanency goal for the child.											
(b) The physical, emotional, and educational needs of the child.											
(c) Expressed preferences of the child.											
(d) The child and child's family's religious preference.											
(e) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, previous foster parents, and other persons significant to the child.											
(f) The availability of placement resources for the purpose of making a timely placement.											
(5) The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.											
(6) Before the placement of a child,-the agency shall document preparation, regardless of the child's age, that explains all of the following to all relevant parties:											
(a) The circumstances necessitating placement.											
(b) The child's individual needs.											
(c) Any special problems presented.											

(7) An agency shall document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) and all of the following information:							
(a) All of the following child characteristics:							
(i) Gender.							
(ii) Race.							
(iii) Height and weight.							
(iv) Eye color and hair color.							
(v) Identifying marks.							
(vi) Religious preference.							
(vii) School status, including grade, last school attended, and educational program.							
(b) Name, known addresses and marital status of the child's parents or legal guardian, if any.							
(c) Names, ages, and known addresses of any siblings.							
(d) Known names, addresses, and dates of any previous out-of-home placements.							
(e) The date that the agency received the child for placement.							
(f) The child's legal status and the agency's legal right to provide care.							
(g) Documentation of the child's placement preparation.							
(h) A photograph of the child at the time of placement.							
(i) Documentation that American Indian ancestry was assessed.							
R 400.12405 Change of placement. RI.405							
Rule 405. (1) An agency shall make every reasonable effort to maintain a stable placement for each child placed in foster care. The efforts shall be documented in the child's record.							
(2) An agency shall give first consideration to returning the child to a parent.							
(3) The agency shall document all of the following in the child's record before a change of placement occurs:							
(a) Reason for the change in placement.							
(b) If the child is not returned to the parent, then the reason why return is not possible.							
(c) If the child is not reunited with siblings or placed with a relative, then the reason why those placements are not possible.							
(d) Consideration of the factors identified in R 400.12404(4).							
(e) Replacement preparation, regardless of the child's age, appropriate to the child's capacity to understand, which includes an explanation to all relevant parties as to why the change is necessary.							
(f) Notification to the parents, referral source, lawyer guardian ad litem, and courts when applicable, of the change in placement.							
(g) Information about the child was shared with the new placement, consistent with the requirements of R 400.12417.							
(h) The child's new location and address.							
(i) That the current foster parent was notified in writing of the following information:							
(i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.							

(ii) Of the current foster parent's rights concerning the change in placement.									
(j) Supervisory approval before the change.									
(4) If an emergency change in placement is necessary, then all of the documentation required in subrules (2) and (3) of this rule shall be in the child's record within 14 calendar days after the change in placement.									
(5) If an agency is no longer providing services to the child in a foster home, then both of the following shall be documented before a change in placement:									
(a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.									
(b) Provision for any continuing services.									
R 400.12409 Education. RI.409 Rule 409. An agency's education policy shall ensure that, within 5 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.									
R 400.12413 Medical and dental care policy. RI.413 Rule 413. (1) An agency's medical and dental care policy shall, at a minimum, include all of the following:									
(a) The provision of routine medical care.									
(b) The provision of emergency medical, surgical, and dental care.									
CI 16-019 – For youth who reside in the Flint water catchment area or who resided there between April 2014 and January 2016; was a blood lead level test completed and are results in the record? Were additional treatment or services related to elevated blood lead levels provided if recommended?									
(c) A physical examination for each child as follows, unless a greater frequency is medically indicated:									
(i) For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.									
(ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.									
(iii) A physical examination every 14 months.									
(d) Current immunizations for each child as required by section 5111 of Act No. 368 of the Public Acts of 1978 as amended, being §333.5111 of the Michigan Compiled Laws. A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations. If documentation of immunization is unavailable, then immunizations shall begin within 30 calendar days of placement.									
(d) Current immunizations for each child as required by section 5111 of 1978 PA 368, MCL 333.5111. All of the following apply:									
(i) A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations.									
(ii) A copy of a waiver addressed to the department of community health signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons is sufficient documentation of immunizations.									
(iii) If documentation of immunization or a copy of the waiver is unavailable, then immunizations shall begin within 30 calendar days of placement.									

(e) The provision of any dental treatment necessary for a child who is less than 4 years of age.							
(f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:							
(i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.							
(ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.							
(2) An agency shall have documentation from the medical or dental provider of all medical and dental care received by a foster child.							
R 400.12415 Incident reporting policy. RI.415							
Rule 415. (1) An agency's incident reporting policy shall, at a minimum, include the following:							
(a) Immediate notification to the foster child's parents, the responsible agency, and guardian ad litem as applicable, if either of the following occurs:							
(i) When a foster child is missing from a foster home.							
(ii) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.							
(b) Notification of the foster child's parents, the responsible agency, and guardian ad litem as applicable within 24 hours of knowledge of the following:							
(i) Any illness or injury that requires hospitalization of emergency medical care of a foster child.							
(ii) A foster child's involvement with law enforcement authorities.							
(iii) Pregnancy of a foster child.							
(iv) Incidences of a foster child being abused.							
(2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child: (a) The child's parents. (b) The referring agency. (c) The department licensing authority. (d) The lawyer guardian ad litem and court, as applicable.							
R 400.12417 Foster parent information. RI.417							
Rule 417. (1) An agency shall provide a foster parent with all of the following information before the placement or replacement of a child:							
(a) Child's name.							
(b) Child's date of birth.							
(c) Available known information about the child's health.							
(d) Any known history of abuse or neglect of the child.							
(e) All known emotional and psychological factors relating to the care of the child.							
(f) All known behaviors of the child.							
(g) Circumstances necessitating placement or replacement of the child.							
(h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.							
(i) Name of assigned social service worker.							
(j) Authorization to provide routine and emergency medical care.							

(2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the agency shall provide information to the foster parent within 7 calendar days of the placement.							
(3) After the child is placed, and on an ongoing basis, the agency shall notify the foster parent of any known information that will enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.							
R 400.12418 Development of service plans. RI.418 Rule 418. (1) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, or medical care, unless the agency documents why any of the entities have not been involved.							
(2) An agency shall complete written service plans for each child and parent or parents, as follows: (a) Within 30 calendar days from removal from the home-							
(b) Within 120 calendar days after the initial removal and at least once every 90 calendar days thereafter							
(3) When case responsibility changes from 1 child placing agency to another child placing agency, a modified service plan must be completed within 30 calendar days of the change in agency responsibility if no other plan is done within 30 days. The plan shall address why the agency responsibility changed and whether there are any modifications to existing service plans.							
(4) An agency shall place service plans in the case record, give a copy to and review the plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.							
(5) An agency shall involve the foster parents in the development of service plans to enable the foster parents to understand the plan for the child and the foster parent's role in assisting the agency in carrying out the plan.							
(6) Service plans shall be signed by the social services worker and the social services supervisor.							
R 400.12419 Initial service plans. RI.419 Rule 419. (1) The initial service plan, as required in R 400.12418(2)(a), shall include all of the following information:							
(a) Dates, types, and places of agency contacts and persons contacted.							
(b) Circumstances necessitating placement.							
(c) Assessment of the placement selection criteria as required under R 400.12404 (4).							
(d) A social history pertinent to the circumstances necessitating placement that assesses the child and all persons in the child's family to determine the services best suited to meet the child's needs.							
(e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement. The plan shall include all of the following information:							
(i) The permanency goal for the child.							
(ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.							
(iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.							
(iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this subdivision.							
(v) Projected length of placement in foster care.							
(f) Specific goals, as appropriate, to meet the child's needs in the following areas:							
(i) Education							

(ii) Health									
CI 16-019 – For youth who reside in the Flint water catchment area or who resided there between April 2014 and January 2016; Were additional treatment or services related to elevated blood lead levels provided if recommended?									
(iii) Vocational training									
(iv) Psychological, psychiatric, and mental health services									
(g) Plans for visits between the child, siblings, the child's family, and any other person.									
(h) The child management plan to be used by the foster parent.									
(2) If parental rights have not been terminated, the service plan shall include all of the following:									
(a) An assessment of the parents' needs as they relate to the care of the child.									
(b) The parents' role while the child is in placement, including parenting time.									
(c) The requirements to be met for the return of the child.									
(d) The time frames for meeting the stated requirements.									
(e) Documentation of how the parents were informed of their rights and responsibilities in the care of their child.									
R 400.12420 Updated service plans. RI.420									
(1) An updated service plan, as required in R 400.12418(2)(b), shall include all of the following information:									
(a) Dates, types, and places of agency contacts and persons contacted.									
(b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.									
(c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.									
(d) Assessment of progress in achieving the permanency goal for the child.									
(e) A plan which includes any changes made since the previous plan and which has the content specified in R 400.12419.									
CI 16-019 – For youth who reside in the Flint water catchment area or who resided there between April 2014 and January 2016; Were additional treatment or services related to elevated blood lead levels provided if recommended?									
(f) Plans for visits between the child, siblings, the child's family, and any other person.									
(g) A child management plan which includes any changes made since the previous plan and which is to be used by the foster parents.									
PA116 722.120 Section 10.(2) Does the agency protect confidential information in a report such as the involvement of CPS?									
R 400.12421 Visitation and parenting time. RI.421									
Rule 421. An agency shall have a policy regarding visitation and parenting time that contains, at a minimum, all of the following:									
(a) A plan of visitation for each child in foster care consistent with the child's service plans, as required by R 400.12419 and R 400.12420 to assure the safety and wellbeing of the child.									
(b) An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every month.									
(c) Provisions for visits between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.									

(d) Provisions for visits between siblings who are not placed together except when there is a court determination that visits are detrimental to either child.								
Closed Cases Foster Child Sample Size		Number of <u>Children Closed From Foster Care</u>: <ul style="list-style-type: none"> These Case Record requirements also apply to open foster care cases 		Names:				
Less than 3	All							
3 to 30	2							
31 to 60	4							
Over 61	8							
R 400.12422 Foster care record. RI.422								
Rule 422. (1) An agency shall maintain a record for each child in its foster care program.								
(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.								
(3) The record shall contain all of the following information:								
(a) Initial service plan.								
(b) Any required updated service plans.								
(c) Medical and dental records.								
(d) Placement documentation as required by R 400.12404.								
(e) Change of placement documentation as required by R 400.12405.								
(f) Plan of visitation and parenting time as required by R 400.12 21.								
(g) A photograph taken at least annually.								
(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the child.								
(5) If an agency ceases operating as a child placing agency, the records shall be returned to the child's referring agency.								
Part 5. INDEPENDENT LIVING SERVICES								
R 400.12501 Department authorization for an Independent Living Program. RI.501		An agency shall be authorized by the department to supervise independent living placements.						
R 400.12502 Program statement.								
Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:								
(a) Types of living arrangements approved.								
(b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning and youth not appropriate for the program.								
(c) Services provided.								
(d) Means of financial support for the youth.								
(e) Supervision.								

(f) Educational and vocational or work requirements.										
(g) Medical and dental care.										
(h) Basis for termination.										
R 400.12503 Policy and procedures.										
Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.										
(2) The policies and procedures shall cover at least all of the following areas:										
(a) Eligibility requirements for youth to participate in the program.										
(b) Types of living arrangements provided or approved.										
(c) Contract between youth and agency.										
(d) Service plans.										
(e) Supervision provided by the agency.										
(f) Amount of financial support and how it is disbursed.										
(g) Education/vocational training/employment.										
(h) Medical, dental, and mental health care.										
(i) Independent living record.										
(j) Termination.										
Youth Living Independently Sample Size		Number of Youth Living Independently:		Names of Youth:						
Less than 3	All									
4 to 30	3									
31 to 60	6									
Over 61	8									
R 400.12502 Program statement. RI.502										
(2) An agency shall give a copy of the program statement to a youth before placement in independent living.										
R 400.12503 Policy and procedures. RI.503										
(3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by this rule.										
R 400.12504. Eligibility requirements. RI.504										
Rule 504. (1) An agency shall document the rationale for selection of independent living as the most appropriate placement for the youth.										
(2) All of the following shall be in the case record before a youth is placed in independent living:										
(a) How the youth meets the eligibility requirements for the specific program the youth is being placed into.										
(b) The basis for concluding that a youth exhibits self-care potential.										
(c) That the youth's social service worker has personally observed and determined that the living situation is safe and that the youth has a bed and has access to cooking and bathing facilities.										

(d) The availability of specific and relevant resources that provide for suitable social, physical, educational, vocational, and emotional needs of a youth.							
(e) An evaluation of a youth's need for supervision and a plan for providing the level of supervision determined necessary.							
(f) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.							
R 400.12505 Supervision. Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(e).							
(2) An agency shall provide the following minimum supervision: (a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.							
(b) At monthly intervals, ensure that the youth is complying with the terms of the contract required by R 400.125010, continues to reside in a safe and acceptable environment, and is managing expenditures.							
(c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.							
R 400.12506 Education/vocational training/employment. Rule 506. An agency shall ensure that a youth in independent living is employed full-time, actively involved in job training or continuing education, or a combination of employment and education.							
R 400.12507 Medical/dental and mental health care. RI.507 Rule 507. (1) An agency shall ensure that a youth in independent living receives any needed medical, dental, and mental health care as required in R 400.12413. Medical, dental, and mental health care provided shall be documented in the youth's record.							
(2) For a youth who become 18 years of age while in the program or who enters independent living after the age of 18, the agency shall provide information on how to access needed medical, dental, and mental health services and shall actively, and on an ongoing basis, encourage participation in needed medical, dental, and mental health services.							
R 400.12509 Independent living record. RI.509 Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.							
(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.							
(3) The case record shall contain all of the following information and documentation, which shall be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days: (a) All of the following personal information pertaining to the youth:							
(i) Name.							
(ii) Social security number.							
(iii) Address and telephone number.							
(iv) Date of birth.							
(v) Gender							
(vi) Race.							
(vii) Height.							

(viii) Weight.							
(ix) Hair color.							
(x) Eye color.							
(xi) Identifying marks.							
(xii) A photograph updated on an annual basis.							
(b) Documentation of the agency's legal right to place a youth.							
(c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.							
(d) The names, dates of birth, and addresses of the youth's siblings, if applicable.							
(e) The names and addresses of any offspring.							
(f) The names and addresses of any other significant persons.							
(g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.							
(h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.							
(i) Current adjustment.							
(j) The youth's relationship with family members and agency efforts to resolve family conflicts.							
(k) Medical and dental records.							
(l) Birth certificate							
(m) Placement documentation as required by R 400.12404.							
(n) Change of placement documentation as required by R 400.12405.							
(o) Service plans as required in R 400.12419 and R 400.12420. If the youth has biological children, the service plan must address the living arrangement for the child or children, visitation/parenting time with the youth's biological children or a clear explanation why this is not possible or appropriate.							
(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the youth.							
R 400.12510 Independent living contract. RI.510							
Rule 510. (1) There shall be a mutually agreed upon contract between the youth and the agency specifying all of the following:							
(a) The responsibilities of the agency and the youth.							
(b) A plan for education or work.							
(c) An agreement for the youth to meet with the worker at least one time per calendar month.							
(d) The location where the youth is living.							
(1) The agreement shall be signed and dated by the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.							
Closed Cases Independent Living Sample Size	Number of <u>Children Closed From Independent Living</u>:						

Less than 3	All	Names:									
3 to 30	2										
31 to 60	4										
Over 61	8										
R 400.12511 Termination. Rule 511. (1) When an agency terminates its independent living services for a youth, the agency shall document all of the following information in the case record within 30 calendar days of termination of its services: (a) The reason for the termination. (b) The youth's new location. (c) A summary of the services provided during care and the needs that remain to be met. (d) Provision for any follow-up services. (2) An agency shall ensure and document that each youth who ends independent living is provided with all of the following: (a) Basic information about health, housing, counseling/mental health services, and emergency resources. (b) A birth certificate. (c) A social security card. (d) The youth's funds and personal property.											
Part 6 Adoption Evaluation Services											
R 400.12601 Department authorization for Adoption Evaluation Services. An agency shall be authorized by the department to evaluate applicants for adoption											
R 400.12602 Program statement. RI.602 Rule 602. (1) An agency shall have and follow a current written program statement.											
(2) The statement shall include all of the following information: (a) Services and functions provided directly or indirectly.											
(b) Geographical area covered.											
(c) Eligibility requirements for adoptive parents.											
(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services that includes specific charges for expenses and services, within and outside the agency, and differentiates between the charges that are refundable and the charges that are not refundable.											
(e) Training requirements.											
R 400.12603 Policy and procedures. RI.603 Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.											
(2) The policies and procedures shall cover at least all of the following areas: (a) Orientation.											
(b) Training requirements.											

(c) Adoptive evaluation.																							
(d) Agency recommendation.																							
(e) Adoption evaluation record.																							
(f) Grievance policy as required by R 400.12210.																							
Families Evaluated for Adoption Sample Size <table border="1"> <tr> <td>Less than 3</td> <td>All</td> </tr> <tr> <td>4 to 30</td> <td>3</td> </tr> <tr> <td>31 to 60</td> <td>6</td> </tr> <tr> <td>Over 61</td> <td>8</td> </tr> </table>		Less than 3	All	4 to 30	3	31 to 60	6	Over 61	8	Number of Completed Domestic Adoptive Family Evaluations: ____ Number of Domestic Families Denied a Recommendation to Adopt: ____ Names:						1.	2.	3.	4.	5.	6.	7.	8.
Less than 3	All																						
4 to 30	3																						
31 to 60	6																						
Over 61	8																						
		Denied:																					
R 400.12602 Program statement. RI.602 (3) An agency shall document that the statement was provided to all persons making inquiry about the agency's services.																							
R 400.12603 Policy and procedures. RI.603 (3) An agency shall document that the policies and procedures were provided to all persons making inquiry about the agency's services.																							
R 400.12604 Orientation and application. RI.604 Rule 604. (1) An agency shall provide an orientation for prospective applicants for adoption before an adoptive application is provided. The orientation shall include a review of all of the following: (a) Program statement, policies, and procedures. (b) Needs and characteristics of children available for adoption. (c) Services and resources available. (d) Fees and charges. (e) Legal process. (f) Training requirements. (g) Post adoption service availability. (2) An agency shall, upon request, provide an adoptive application to an interested family. (3) An agency may consider an application withdrawn after 90 days if the applicant fails to cooperate with the completion of the evaluation process.																							
R 400.12605 Adoptive family evaluation. RI.605 Rule 605. (1) An agency social service worker shall complete a written adoptive evaluation within 90 days of the family signing an adoption application and prior to approving a family for adoption. (2) The report shall include the dates and places of contacts and persons interviewed or observed.																							

(3) The report shall be an assessment of all of the following:							
(a) Visits at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all of the following:							
(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.							
(ii) Educational history and any special skills and interests.							
(iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.							
(iv) Physical, mental, and emotional health of each member of the household.							
(v) Any history of substance abuse of each member of the household.							
(vi) Parenting skills and attitudes toward children.							
(vii) Methods of discipline of children.							
(viii) Adjustment and special needs of the applicant's own children, including children not living in the home.							
(ix) Strengths and weaknesses of each member of the household.							
(x) Experiences with own parents and any history of out-of-home care.							
(xi) Reasons for adopting.							
(xii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.							
(xiii) Willingness to accept an adoptive child with the child's individual characteristics, needs, and background.							
(xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.							
(xv) Willingness and ability to understand an adopted child's attachment to the birth family and other significant relationships.							
(xvi) An understanding of and willingness to participate in concurrent planning.							
(xvii) Willingness and ability to give an adopted child guidance, love, and affection and accept the child as a member of the household.							
(xviii) Existence of social support system and alternate care providers.							
(b) Previous adoption evaluations or placements.							
(c) Previous criminal convictions, and substantiated child abuse or neglect investigations or concerns brought to the agency's or department's attention for any member of the household.							
SRM 200, p. 12-13 – storage of CHRI, results for certification may be stored in foster home records only, results for adoption may be stored in adoption files only.							
(d) Three current references from persons not related to the applicants. There shall be an evaluation of any negative references.							
(e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of an adoptive child. The statement shall be signed by a physician within the 12-month period before the adoptive evaluation.							
(f) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.							

(g) Assessment of the neighborhood, schools, community, and available resources for the purpose of adoption								
(h) The plan for guardianship of the child or children in the event of the parent or parents' death or permanent disability preventing continuation of parental responsibility.								
(i) The family's plan to discuss adoption with any child adopted.								
(j) Training needs of the family.								
(k) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.								
R 400.12606 Training requirements. RI.606 Rule 606. An agency shall document that an applicant for adoption has, at a minimum, had training in all of the following areas:								
(a) Separation.								
(b) Attachment and bonding.								
(c) Child development, including safe sleep practices for children under 1 year of age.								
(d) Behavioral and emotional needs of adoptive children.								
(e) Impact of adoption on the family.								
(f) Post adoption service availability.								
R 400.12607 Agency recommendation. RI.607 Rule 607. (1) An agency shall recommend the appropriate action consistent with the facts contained in the adoptive evaluation. An agency shall make a written recommendation based on the findings of the adoptive family evaluation.								
(2) The recommendation shall include all of the following:								
(a) Be in writing.								
(b) Contain approval or denial of the applicants for adoption by a social service supervisor.								
(c) If approved, the number, gender, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicants' home. A child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.								
(3) If an agency concludes that an individual is not approved, then the basis for the decision shall be specified in the recommendation.								
(4) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.								
R 400.12608 Adoptive family evaluation record. RI.608 Rule 608. (1) An agency shall retain a case record for each applicant for adoption.								
(2) The record shall contain all of the following:								
(a) Orientation documentation as required by R 400.12604.								
(b) Adoptive evaluation as required by R 400.12605.								
(c) Record of training provided								
(d) Documentation agency policies were provided to applicants								
(e) All documents pertaining to adoption evaluation required by R 400.12605								
(f) Agency recommendation as required by R 400.12606.								

(3) An agency shall retain each record for not less than 3 years after the agency's termination of services to the applicant.								
(4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records shall be forwarded to the central office of the branch or associate office.								
(5) If a child-placing agency ceases operation, the agency's adoption records shall be shredded or returned to the applicant if services to the applicant were terminated 3 or more years before the closure. Records shall be forwarded to the department's central office adoptions for all other records.								
PART 7. ADOPTION PLACEMENT SERVICES								
R 400.12701 Department authorization. Rule 701. An agency shall be authorized by the department to receive and place children for purposes of adoption.								
R 400.12702 Program statement. Rule 702. (1) An agency shall have and follow a current written program statement. (2) The statement shall include all of the following information: (a) Types of adoptions provided by the agency, including whether the agency accepts children released under the safe delivery act, section 20 of 1939 PA 288, MCL 712.20.								
(b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.								
(c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.								
(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services, within and outside the agency, and shall differentiate between the charges that are refundable and the charges that are not refundable.								
(e) Services and functions provided directly or indirectly, including the following: (i) Counseling services and any other available services to a person who is releasing a child for adoption.								
(ii) Counseling services and any other available services to a child being released for adoption based on the needs of the child.								
(iii) Counseling services or post-finalization services provided to adoptive parents or to the adoptee.								
(f) Geographical area covered.								
(3) An agency shall document that the statement has been provided to all persons making inquiry to release a child for adoption and to prospective adoptive parents.								
R 400.12703 Policy and procedures. RI.703 Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided. (2) The policies and procedures shall cover all of the following areas: (a) Safeguarding rights.								
(b) Release.								
(c) Recruitment.								
(d) Orientation.								
(e) Child evaluation.								
(f) Placement selection.								

(g) Adoptive parent information.										
(h) Placement.										
(i) Supervision.										
(j) Adoption placement record.										
R 400.12704 Safeguarding rights. RI.704										
Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all of the following entities:										
(a) Birth parents who are considering release, or who have released, a child for adoption.										
(b) The child who becomes available for adoption.										
(c) The adoptive parents who apply to adopt or adopt a child.										
Supervision Sample Size		Total Number of Domestic Children Placed: __ In Supervision: __ Finalized: __ Family Name:	1.	2.	3.	4.	5.	6.	7.	8.
Less than 3	All									
4 to 30	3									
31 to 60	6									
Over 61	8									
R 400.12702 Program statement.										
(3) An agency shall document that the statement has been provided to all persons making inquiry to release a child for adoption and to prospective adoptive parents.										
R 400.12705 Release. RI.705										
Rule 705. (1) An agency social service worker shall document that information has been provided for birth parents before the birth parents release their rights to a child unless the child is relinquished under the safe delivery of newborns act, 1939 PA 288, MCL 712.1 to 712.20..										
(2) The information shall include a review of all of the following:										
(a) Program statement, policies, and procedures.										
(b) Legal process for adoption.										
(c) Services and resources available.										
(d) Meaning and consequences of a release.										
R 400.12706 Recruitment.										
Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children serviced by the agency who are available for adoption.										
(2) An agency shall recruit adoptive parents for children served by the agency considering all of the following criteria:										
(a) Ages and developmental needs of children.										
(b) Racial, ethnic and cultural identity of children.										
(c) Sibling relationships of children.										
(d) Special needs of children.										

(3) There shall be a child specific recruitment plan for any child the agency is responsible for who is available for adoption and who does not have an identified family. The child specific plan shall be based on the child evaluation, as required by R 400.12708, and updated every 90 days.																		
R 400.12707 Orientation. RI.707 Rule 707. An agency shall document that an orientation for the adoptive parents has been provided, consistent with the requirements of R 400.12604 , before they are determined suitable to parent an adopted child.																		
<table><tr><td colspan="2">Sample Size of Children Assessed</td><td rowspan="5">Total Number of <u>Domestic Children Assessed:</u> _ Names:</td></tr><tr><td>Less than 3</td><td>All</td></tr><tr><td>4 to 30</td><td>3</td></tr><tr><td>31 to 60</td><td>6</td></tr><tr><td>Over 61</td><td>8</td></tr></table>		Sample Size of Children Assessed		Total Number of <u>Domestic Children Assessed:</u> _ Names:	Less than 3	All	4 to 30	3	31 to 60	6	Over 61	8						
Sample Size of Children Assessed		Total Number of <u>Domestic Children Assessed:</u> _ Names:																
Less than 3	All																	
4 to 30	3																	
31 to 60	6																	
Over 61	8																	
R 400.12708 Child evaluation. RI.708 Rule 708. (1) A social service worker shall complete a written assessment of each child available for adoption within 60 days of the child being referred for adoption. The assessment shall include all information available in the foster care file from the date the child entered care and shall meet all requirements of section 27 of 1939 PA 288, MCL 710.27.																		
(2) An agency shall have on file a written adoptive family evaluation and agency recommendation as required under R 400.12605 and R 400.12607 before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.																		
SRM 200, p. 12-13 – storage of CHRI, results for certification may be stored in foster home records only, results for adoption may be stored in adoption files only.																		
R 400.12709 Placement selection. RI.709 Rule 709. (1) An agency shall document how all of the following factors were assessed in selecting appropriate adoptive parents: (a) The physical, emotional, medical, and educational needs of the child.																		
(b) The child’s needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.																		
(c)The racial, ethnic, and cultural identity, heritage, and background. The child’s racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.																		
(2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule, the child evaluation required by R 400.12708 and the agency’s adoptive parent recommendation as required by R 400.12708607.																		

(3) An agency shall require a social service supervisor, or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval shall be documented in the record.							
(4) An agency may approve overnight pre-placement visits to a family being considered for adoption of a child. Pre-placement visits may only occur under the following conditions:							
(a) If the placement selected is a licensed foster home, the certifying agency gives approval prior to any visits starting.							
(b) There is an approved child evaluation.							
(c) There is an approved family evaluation.							
(d) The child evaluation has been shared with the prospective adoptive family prior to any pre-placement visits occurring.							
(e) Planning for pre-placement visits is focused on the best interests of the child.							
(f) There is a written plan for transitioning the child from the foster home to the adoptive home.							
(g) Unless there are exceptional circumstances, that the transition period will not exceed 3 calendar months. A transitional period of more than 3 calendar months shall be approved in writing by the MCI superintendent or the court with jurisdiction over the child.							
(h) Overnight visitation is done in compliance with section 1 of 1973 PA 116, MCL 722.111(i).							
(5) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:							
(a) The adoptive parents have received orientation in accordance with the requirements of R 400.12604 and R 400.12707.							
(b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605 and the placement is consistent with the recommendation completed in accordance with R 400.12607.							
(c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.							
(d) The adoptive petition has been filed with the court or consent to adopt has been granted by the authorized agency representative.							
(6) The provisions of this rule do not prohibit a temporary placement made under section 23d of 1939 PA 288, MCL 710.23d.							
R 400.12710 Adoptive parent information. RI.710 Rule 710. (1) An agency shall provide adoptive parents with all of the following information before the placement of a child:							
(a) Child's name.							
(b) Date, time, and place of birth including hospital, city, state, and country.							
(c) Medical, social, and educational history of the child.							
(d) Child's racial, ethnic, and religious background.							
(e) Description of the child's family of origin, including age and sex gender of family members, relationship to the child, and medical, social, and educational history of each member of the family.							
(f) Circumstances necessitating placement of the child.							

(g) Child's preparation for placement and attitude toward the adoption.							
(h) Placement history.							
(i) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.							
(2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.							
R 400.12711 Placement. Rule 711. An agency shall document how the following factors were assessed in selecting appropriate adoptive parents for a child: (1) The physical, emotional, medical, and educational needs of the child.							
(2) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.							
(3) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.							
R 400.12712 Supervision. RL712 Rule 712. (1) An agency shall provide post-placement supervisory visits for the adoptive family at the adoptive parent's home as needed to assure the safety and wellbeing of the child, but not less than once every month, after the placement of a child and until the final order of adoption.							
(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, include plans to assist the child or adoptive family.							
R 400.12713 Adoption placement record. RL713 Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement except as identified in subrule 5 of this rule. (2) The record shall contain all of the following: (a) Orientation documentation as required by R 400.12707. (b) Evaluation documentation as required by R 400.12708.							
(c) Placement documentation as required by R 400.12709.							
(d) Supervision documentation as required by R 400.12711.							
(3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.							
(4) If a child-placing agency ceases to operate, then the agency shall forward its records to the Michigan department of human services.							
(5) The Michigan department of human services must permanently retain all adoption records for children adopted from Michigan's child welfare system. The adoption agency must forward any adoption records for children adopted from the Michigan child welfare system to the department one year after finalization of the adoption. The adoption agency may not retain the original copies or any other copies of the adoption records.							

PART 8 INTER-COUNTRY ADOPTION

R 400.12801 Department authorization.

Rule 801. (1) An agency shall be authorized by the department to evaluate applicants for inter-country adoption.

(2) An agency shall be authorized by the department to assist with the adoption or placement of a child coming to the United States for the purpose of being adopted.

R 400.12802 Program statement. [RI.802](#)

Rule 802. An agency shall have and follow a current written program statement that includes all of the following information:

(1) Placement programs, by country.

(2) Eligibility requirements for adoptive parents established by the agency and the specific countries.

(3) Services available, either directly or indirectly, both before adoption and after adoption.

(4) Procedures for completing adoptive evaluations.

(5) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. Differences in fees for different countries shall be clearly stated.

(6) If the agency has written contracts or agreements with individuals in the foreign country or entity, the responsibilities of the agency and the responsibilities of the contractor shall be clearly identified.

(7) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country or entity and the regulations issued by that country or entity for adoptions by foreigners shall be kept on file at the agency.

(8) If an agreement exists between a foreign government or entity and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, this state, and the foreign country.

(9) An agency shall provide the statement to all persons making inquiry about the agency's services at the time of inquiry.

R 400.12803 Policies and procedures. [RI.803](#)

Rule 803. (1) The agency shall have and follow written policies and procedures for inter-country adoption services.

(2) The policies and procedures shall cover at least the following areas:

(a) Orientation, as required in R 400.12604.

(b) Adoptive evaluation, as required in R 400.12605.

(c) Fees.

(d) Placement.

(e) Supervision.

(f) Adoption record

**Inter Country Adoption
Sample Size**

Less than 3

All

4 to 30

3

Families Assessed For Inter-Country Adoption: ____

Names:

1.	2.	3.	4.	5.	6.	7.	8.

31 to 60	6								
Over 61	8								
R 400.12804 Adoptive family evaluation.									
Rule 804. (1) If an agency assists a family with an evaluation prepared specifically for the adoption of a child coming to the United States for the purpose of being adopted, then the agency shall complete adoptive evaluations as required in R 400.12604.									
(2) Adoptive family evaluations accepted from other states or agencies in this state shall have been completed by an agency or social worker licensed to complete adoption home studies in the state where the evaluation was completed.									
R 400.12805 Fees.									
Rule 805. An agency shall have a specific fee policy that covers the following:									
(1) That all fees are be covered in a written agreement with applicants.									
(2) What specific services are covered by the fees.									
(3) Whether fees can change during an agreement.									
(4) Fees associated with modifying the agreement.									
(5) Specific fees for each country.									
(5) Fees associated with changing countries.									
(6) What fees can be transferred during the agreement.									
(7) What fees are refundable and at what points in time.									
(8) How fees are to be paid to individuals in other countries.									
R 400.12806 Placement.									
Rule 806 (1) An agency shall require a social service supervisor, or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement. The decision shall be documented in the record.									
(2) An adoptive family evaluation completed by a different agency or licensed social worker, where legal, must be endorsed by the agency arranging the placement.									
Inter Country Adoption – Supervision Sample Size		1.	2.	3.	4.	5.	6.	7.	8.
Less than 3	All	Number of Families with a Child Adopted From a Foreign Country Who are in Supervision Because the Adoption							
4 to 30	3								
31 to 60	6								

Over 61	8	is not Finalized or Because Supervision is Required By the Foreign Country : __										
Names:												
R 400.12807 Supervision. R1.807												
(1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every month after the placement of a child and until the final order of adoption, or as required by the country where the adoption originated.												
(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, shall include plans to assist the child or adoptive family.												
(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.												
R 400.12808 Inter-country adoption record.												
Rule 807. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.												
(2) The child record shall contain all of the following:												
(a) Orientation documentation as required by R 400.12707.												
(b) Evaluation documentation as required by R 400.12708.												
(c) Placement documentation as required by R 400.12709.												
(d) Supervision documentation as required by R 400.12711.												
(3) An agency shall retain a case record for each applicant family for adoption.												
(4) The applicant family record shall contain all of the following:												
(a) Orientation documentation as required by R 400.12604.												
(b) Adoptive family evaluation as required by R 400.12605.												
(c) Record of training provided.												
(d) Documentation of agency policies that were provided to applicants.												
(e) All documents pertaining to adoption evaluation required by R 400.12605.												
(f) Agency recommendation as required by R 400.12606.												
(5) An agency shall retain each applicant family record for not less than 3 years after the agency's termination of services to the applicant family.												
(6) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.												
(7) If a child-placing agency ceases to operate, then the agency shall forward its child records to the Michigan department of human services.												
(8) If a child-placing agency ceases operation, the agency's adoptive applicant family records shall be shredded or returned to the applicant family if services to the applicant family were terminated 3 or more years before the closure. Records shall be forwarded to the department of human services central office adoptions for all other records.												

Section 102 of the Elliott-Larsen Civil Rights Act,

37.2102 Recognition and declaration of civil right; action arising out of discrimination based on sex or familial status.

Sec. 102. (1) The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

(2) This section shall not be construed to prevent an individual from bringing or continuing an action arising out of sex discrimination before July 18, 1980 which action is based on conduct similar to or identical to harassment.

(3) This section shall not be construed to prevent an individual from bringing or continuing an action arising out of discrimination based on familial status before the effective date of the amendatory act that added this subsection which action is based on conduct similar to or identical to discrimination because of the age of persons residing with the individual bringing or continuing the action.

CPA AND PA 116 Definitions

R 400.12101 –Child Placing Agency Definitions.

As used in these rules:

- (a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §§722.111 et seq. of the Michigan Compiled Laws, and known as the child care organization licensing act.
- (b) "Agency" means a child-placing agency as defined in section 1 of the act.
- (c) "Contribution" means the payment of money or donation of goods or services.
- (d) "Department" means the Michigan department of consumer and industry services.
- (e) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence which demands immediate action or means a placement that is made before a placement assessment has been completed.
- (f) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in a foster home.
 - (ii) Is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home to receive care, maintenance, training, and supervision.
 - (iii) Is not related to an adult member of the household by blood, adoption, or marriage.
 - (iv) Has been placed in the home by an agency.

- (g) "Foster home" means foster family home or foster family group home, as defined in section 1 of Act No. 116 of the Public Acts of 1973, as amended, being §§722.111 of the Michigan Compiled Laws, and as addressed in Act No. 165 of the Public Acts of 1997, being §§722.118b of the Michigan Compiled Laws.
- (h) "Human behavioral science" means a degree from an accredited college or university equivalent to any of the following:
 - (i) Social work.
 - (ii) Psychology.
 - (iii) Guidance and counseling.
 - (iv) Consumer or community services.
 - (v) Criminal justice.
 - (vi) Family ecology.
 - (vii) Sociology.
- (i) "Independent living" means the placement, by an agency, of a youth who is not less than 16 years old in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.
- (j) "Licensing authority" means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child placing agency.
- (k) "Member of the household" means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurrent basis.
- (l) "Parent" means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.
- (m) "Permanent placement" means that the treatment plan specifies that the foster child will remain in the current foster home until the age of majority.
- (n) "Placement" means moving a child to a foster or adoptive home, to independent living, or from out-of-home placement to another out-of-home placement.
- (o) "Social service supervisor" means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker.
- (p) "Social service worker" means a person who performs social services functions covered by these rules.
- (q) "Staff" means a person who is employed by an agency, a volunteer for the agency, or a person who is under contract to the agency to provide specific services covered by these rules.

- (r) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
- (s) "Willful noncompliance" means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

Public Act 116, 722.120 (2)

Public Act 116 722.120 (2)	Confidentiality
	<p>(2) A licensee shall keep the records the department prescribes regarding each child in its control and care and shall report to the department, when requested, the facts the department requires with reference to the children upon forms furnished by the department. Except as otherwise provided in this subsection, records regarding children and facts compiled about children and their parents and relatives are confidential and disclosure of this information shall be properly safeguarded by the child care organization, the department, and any other entity in possession of the information. Records that are confidential under this section are available to both of the following:</p> <p>(a) A standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children, pursuant to section 7 of the child protection law, 1975 PA 238, MCL 722.627.</p> <p>(b) The children's ombudsman established in section 3 of the children's ombudsman act, 1994 PA 204, MCL 722.923.</p>

CHILD CARE ORGANIZATIONS (EXCERPT)

Act 116 of 1973

722.111 Definitions; exemption from inspections and on-site visits.

Sec. 1.

(1) As used in this act:

(a) "Child care organization" means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes. Child care organization does not include a governmental or nongovernmental organization that does either of the following:

(i) Provides care exclusively to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4.

(ii) Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

(b) "Child caring institution" means a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school licensed under section 1335 of the revised school code, 1976 PA 451, MCL 380.1335, a hospital or facility operated by the state or licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a child has been placed under section 5(6).

(c) "Child placing agency" means a governmental organization or an agency organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, for the purpose of receiving children for placement in private family homes for foster care or for adoption. The function of a child placing agency may include investigating applicants for adoption and investigating and certifying foster family homes and foster family group homes as provided in this act. The function of a child placing agency may also include supervising children who are at least 16 but less than 21 years of age and who are living in unlicensed residences as provided in section 5(4).

(d) "Children's camp" means a residential, day, troop, or travel camp that provides care and supervision and is conducted in a natural environment for more than 4 children, apart from the children's parents, relatives, or legal guardians, for 5 or more days in a 14-day period.

(e) "Children's campsite" means the outdoor setting where a children's residential or day camp is located.

(f) "Children's therapeutic group home" means a child caring institution receiving not more than 6 minor children who are diagnosed with a developmental disability as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a serious emotional disturbance as defined in section 100d of the mental health code, 1974 PA 258, MCL 330.1100d, and that meets all of the following requirements:

(i) Provides care, maintenance, and supervision, usually on a 24-hour basis.

(ii) Complies with the rules for child caring institutions, except that behavior management rooms, personal restraint, mechanical restraint, or seclusion, which is allowed in certain circumstances under licensing rules, are prohibited in a children's therapeutic group home.

(iii) Is not a private home.

(iv) Is not located on a campus with other licensed facilities.

(g) "Child care center" or "day care center" means a facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following:

(i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.

(ii) A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.

(iii) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(iv) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

(h) "Department" means the department of human services or a successor agency or department responsible for licensure and registration under this act.

(i) "Private home" means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home, as follows:

(i) "Foster family home" means a private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

- (ii) "Foster family group home" means a private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.
- (iii) "Family child care home" means a private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.
- (iv) "Group child care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- (j) "Legal custodian" means an individual who is at least 18 years of age in whose care a minor child remains or is placed after a court makes a finding under section 13a(5) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.
- (k) "Licensee" means a person, partnership, firm, corporation, association, nongovernmental organization, or local or state government child care organization that has been issued a license under this act to operate a child care organization.
- (l) "Provisional license" means a license issued to a child care organization that is temporarily unable to conform to all of the rules promulgated under this act.
- (m) "Regular license" means a license issued to a child care organization indicating that the organization is in compliance with all rules promulgated under this act.
- (n) "Guardian" means the guardian of the person.
- (o) "Minor child" means any of the following:
- (i) A person less than 18 years of age.
 - (ii) A person who is a resident in a child caring institution, foster family home, or foster family group home, who is at least 18 but less than 21 years of age, and who meets the requirements of the young adult voluntary foster care act.
 - (iii) A person who is a resident in a child caring institution, children's camp, foster family home, or foster family group home; who becomes 18 years of age while residing in a child caring institution, children's camp, foster family home, or foster family group home; and who continues residing in a child caring institution, children's camp, foster family home, or foster family group home to receive care, maintenance, training, and supervision. A minor child under this subparagraph does not include a person 18 years of age or older who is placed in a child caring institution, foster family home, or foster family group home under an adjudication under section 2(a) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1. This subparagraph applies only if the number of those residents who become 18 years of age does not exceed the following:

- (A) Two, if the total number of residents is 10 or fewer.
- (B) Three, if the total number of residents is not less than 11 and not more than 14.
- (C) Four, if the total number of residents is not less than 15 and not more than 20.
- (D) Five, if the total number of residents is 21 or more.
- (iv) A person 18 years of age or older who is placed in an unlicensed residence under section 5(4) or a foster family home under section 5(7).
- (p) "Registrant" means a person who has been issued a certificate of registration under this act to operate a family child care home.
- (q) "Registration" means the process by which the department regulates family child care homes, and includes the requirement that a family child care home certify to the department that the family child care home has complied with and will continue to comply with the rules promulgated under this act.
- (r) "Certificate of registration" means a written document issued under this act to a family child care home through registration.
- (s) "Related" means in the relationship of parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin, great aunt, great uncle, or stepgrandparent by marriage, blood, or adoption.
- (t) "Religious organization" means a church, ecclesiastical corporation, or group, not organized for pecuniary profit, that gathers for mutual support and edification in piety or worship of a supreme deity.
- (u) "School-age child" means a child who is eligible to be enrolled in a grade of kindergarten or above, but is less than 13 years of age.
- (v) "Licensee designee" means the individual designated in writing by the board of directors of the corporation or by the owner or person with legal authority to act on behalf of the company or organization on licensing matters. All license applications must be signed by the licensee in the case of the individual or by a member of the corporation, company, or organization.
- (2) A facility or program for school-age children that is currently operated and has been in operation and licensed or approved as provided in this act for a minimum of 2 years may apply to the department to be exempt from inspections and on-site visits required under section 5. The department shall respond to a facility or program requesting exemption from inspections and on-site visits required under section 5 as provided under this subsection within 45 days from the date the completed application is received. The department may grant exemption from inspections and on-site visits required under section 5 to a facility or program that meets all of the following criteria:
 - (a) The facility or program has been in operation and licensed or approved under this act for a minimum of 2 years immediately preceding the application date.
 - (b) During the 2 years immediately preceding the application date, the facility or program has not had a substantial violation of this act, rules promulgated under this act, or the terms of a licensure or an approval under this act.
 - (c) The school board, board of directors, or governing body adopts a resolution supporting the application for exemption from inspections and on-site visits required under section 5 as provided for in this subsection.

(3) A facility or program granted exemption from inspections and on-site visits required under section 5 as provided under subsection (2) is required to maintain status as a licensed or approved program under this act and must continue to meet the requirements of this act, the rules promulgated under this act, or the terms of a license or approval under this act. A facility or program granted exemption from inspections and on-site visits required under section 5 as provided under subsection (2) is subject to an investigation by the department if a violation of this act or a violation of a rule promulgated under this act is alleged.

(4) A facility or program granted exemption from inspections and on-site visits required under section 5 as provided under subsection (2) is not subject to interim or annual licensing reviews. Such a facility or program is required to submit documentation annually demonstrating compliance with the requirements of this act, the rules promulgated under this act, or the terms of a license or approval under this act.

(5) An exemption provided under subsection (2) may be rescinded by the department if the facility or program willfully and substantially violates this act, the rules promulgated under this act, or the terms of a license or approval granted under this act.

MCL722.958a(8) - Foster Parent Grievance Report

MCL722.958a(8)	Foster Parent Grievance Report
	<p>The supervising agencies shall provide the information regarding the grievances and administrative hearings received under this section to the department for compilation and submission of a report to the appropriations subcommittees for the department's budget and the senate and house of representatives standing committees having jurisdiction over issues involving human services. The department shall provide the report described in this section beginning October 1, 2015 and each October 1 after that. The report shall include, at a minimum, all of the following:</p> <ul style="list-style-type: none">a. The total number of grievances filed for the reporting periodb. The total number of grievances resolved within 30 daysc. The total number of grievances that were not resolved within 30 days(d) The total number of complaints filed with the department's bureau of children and adult licensing, including the number of licensing actions that resulted from those complaints

	<ul style="list-style-type: none"> d. A summary of any policy changes that were initiated in response to the grievances filed e. The total number of grievances that resulted in an administrative hearing process, including the number of actions where the administrative law judge denied or dismissed the action, agreed with the supervising agency, or agreed with the foster parent

MCL722.953 - Foster Parent Bill of Rights Information Provided to Foster Parents

MCL722.953	Foster Parent Bill of Rights Information Provided to Foster Parents
	<p>The purpose of the Foster Parent Bill of Rights is:</p> <ul style="list-style-type: none"> a. To assist foster parents to provide a stable, loving family environment for children who are placed outside of their homes on a temporary basis b. To help eliminate barriers to the adoption of children and to promote the provision of a stable and loving family environment to children who are without permanent families c. To promote the well-being and safety of all children who receive foster care or are adopted under the laws of this state d. To protect and assist prospective adoptive families as they negotiate the adoption process e. To regulate child placing agencies who certify foster parents and serve adoptees and adoptive families in this state f. To regulate adoption attorneys who facilitate direct placement adoptions

	g. To ensure foster parents and prospective adoptive parents receive all applicable resources as described in section 8a

R 400.12101 Definitions. Rule 101.

These are the legal definitions of the terms used in the rules.

(g) “Department” is the Michigan Department of Human Services or the Department of Health and Human Services.

(o) “Licensing authority” is the Division of Child Welfare Licensing.

R 400.12102 Rule variance.

The term variance means the same thing as exception or exemption in relationship to this rule.

The request for a variance shall be in writing and shall be submitted to the assigned consultant. The approval of a variance may only be granted by the director of Child Welfare Licensing. There is no provision for appealing the denial of a variance. If a disciplinary licensing action is recommended due to the denial of a variance, the licensing action may be appealed as identified in MCL 722.121.

A variance may be granted to any promulgated rule. A variance may not be granted to the statute unless there is a specific provision in the statute allowing for the granting of a variance.

The request for a variance must include the basis for the request, the method for assuring ongoing compliance with the proposed alternative, the time period for which the variance is needed, and any facts that support that the alternative method of compliance proposed will provide equivalent protection to the health, welfare, safety, and needed services of any children affected as required by the rule.

The decision regarding the granting or denial of a variance will be entered into BITS by central office staff.

R 400.12103 Staff exception

The effective date of the rules is January 5, 2015. This applies only to the specific position the individual is in and does not transfer to another position in the same agency or to another agency. This does not preclude an agency from requesting a variance to a rule related to qualifications.

R 400.12104 Deemed status.

There are no interpretations known or needed. Though the rule recognizes deemed status, any agency that is under contract to the department and covered by the Modified Settlement Agreement must have a complete review of compliance with all rules on an annual basis.

PART 2. AGENCY SERVICES

R400.12201 Department authorization.

All child placing agencies except Authorized Governmental Units must comply with part 2 of these rules.

R 400.12202 Policy and procedures.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

R 400.12203 Financial stability.

This rule does not require that the children's services departments of an agency have a separate budget from the entire agency. The agency must provide the portion of the budget that relates to regulated programs to the consultant at the time of the review. A copy of the annual audit must be available for review at the time of the annual onsite inspection of the agency.

R 400.12204 Facilities.

The agency is expected to have sufficient space to store all active files and closed files for the length of time the agency is required to maintain closed files. Closed files may be maintained in an electronic format.

R 400.12205 Required staff.

(1) An agency must have at least two employees. There is no prohibition on the agency contracting for one of those employees. An individual may perform more than one regulated function, but may not supervise their own work.

(2) and (3) When a chief administrator leaves and the organization appoints an acting administrator, the change must be reported to DCWL, in writing. An acting administrator must meet the qualifications identified in the rule. A criminal record check and central registry check must be completed on the chief administrator by DCWL.

(4) A variance is not needed to comply with (b) when the major is not in human behavioral sciences and the agency has evaluated the transcript of an individual and has determined that 25% of the course work was in human behavioral sciences. The agency must be able to document how the determination was made when the consultant is doing the onsite evaluation.

Local offices of the department and private agencies under contract to the department must comply with the degree and experience requirements and may not assess a person using the 25% of course work evaluation due to requirements of the modified settlement agreement.

Children's protective services is not a regulated function and does not count as experience as a social services worker when determining if the person is qualified as a social services supervisor.

(5) When the major is not in human behavioral sciences and the agency has evaluated the transcript of an individual and has determined that 25% of the course work was in human behavioral sciences, a variance is not needed. The agency must be able to document how the determination was made when the consultant is doing the onsite evaluation. Local offices of the department and private agencies under contract to the department must comply with the degree and experience requirements and may not assess a person using the 25% of course work evaluation due to requirements of the modified settlement agreement.

When an agency provides field work experience for students, the student must still have an acceptable undergraduate degree or all work must be co-signed by a social services worker who meets the identified qualifications.

(6) This rule does not prohibit an agency from having two individuals who function both as social service workers and social service supervisors and supervise each other's work.

(8)(a) A social services supervisor may be supervising staff who function in capacities other than social services workers. These staff are not counted when determining whether the supervisor is within the required workload. If the consultant finds significant violations of the rules and the supervisor is supervising more than 5 individuals, some of whom function in non-regulated positions, the consultant may cite the agency for not having sufficient staff to carry out the provisions covered by the rules.

(8)(b) and (c) Social services workers may have caseload responsibilities beyond those covered by the rule. The consultant is to ask for a breakdown of the work responsibilities for social services workers who have additional caseload assignments when determining if the workload is within the requirements of the rule. Only those functions covered by the rule, and where the social services worker has primary responsibility, are to be counted when evaluating workload. If the consultant finds significant violations of the rules and the social services worker has additional caseload responsibilities, some of which are not covered by the rule, the consultant may cite the agency for not having sufficient staff to carry out the provisions covered by the rules.

R 400.12206 Staff qualifications.

(1) When there is a rule that deals with a specific problem or issue that has been identified by a consultant, that rule is to be cited. This rule is to be used when there is misconduct by an administrator or staff person that does not fit into another rule.

(2) *MCL 722.119 states:*

(1) A staff member shall not be present in a child care center, child caring institution, or child placing agency if he or she has been convicted of either of the following:

(a) Child abuse or child neglect.

(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(2) A volunteer shall not have unsupervised contact with children who are in the care of a child care center, child caring institution, or child placing agency if he or she has been convicted of either of the following:

(a) Child abuse or child neglect.

(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of offering to volunteer at the child care center, child caring institution, or child placing agency.

(3) Before a staff member or unsupervised volunteer may have contact with a child who is in the care of a child care center, child caring institution, or child placing agency, the staff member or volunteer shall provide the child care center, child caring institution, or child placing agency with documentation from the family independence agency that he or she has not been named in a central registry case as the perpetrator of child abuse or neglect. For individuals who are employed by or volunteer at a child care center, child caring institution, or child placing agency, the child care center, child caring institution, or child placing agency shall comply with this subsection not later than the date on which that child care center's, child caring institution's, or child placing agency's license is issued or first renewed after the effective date of the amendatory act that added this section. As used in this subsection, "child abuse" and "child neglect" mean those terms as defined in section 2 of the child protection law, 1975 PA 238, MCL 722.622.

(4) Each child care center, child caring institution, or child placing agency shall establish and maintain a policy regarding supervision of volunteers who are parents of a child receiving care at the child care center, child caring institution, or child placing agency.

Child placing agencies are not required to post whether or not criminal record checks are done on staff. Criminal record checks are not required by the statute or the rule. If the agency has a policy that requires applicants or employees to provide criminal record checks or if the agency does an ICHAT clearance on applicants or employees, the consultant may cite the agency if there is no documentation of the criminal record check.

A BCAL 1326, Criminal Record Check, shall be completed on the chief administrator. For a DHHS office, this is the director of the county DHHS. In other CPA's, this is the person who is responsible for the day-to-day operation of the organization that is tied to the specific license number. This person must be located in Michigan.

If a record check has been completed and there is a conviction, or an employee has reported a criminal conviction, the agency must have a written assessment of all convictions, both felony and misdemeanor, before assigning the person to a position covered by these rules. Fraud is an intentional misrepresentation of any material fact and includes bribery, forgery, uttering and publishing and false pretenses. Convictions for domestic violence fall into the category of harm or threatened harm. The written assessment must address the nature of the conviction, when the convictions occurred, and evidence of rehabilitation.

R 400.12207 Staff responsibilities.

(1)The chief administrator must be in Michigan. The person may be responsible for a main location and satellite offices.
(2)The assessment required in subpart (2) (a) must be completed on an annual basis, but not at any particular time of the year. The agency must be able to document how they determined compliance. All CWL reading forms are available on the DHHS public website to provide a tool that agencies may choose to use.
If an agency identifies rule violations, there must be a written plan that identifies how the agency will resolve the problems that created the rule violations. The plan must be achievable within 6 months.

The agency must document how the assessment of disrupted and unplanned removals occurs. The plan to correct any identified causes of disrupted and unplanned removals must also be documented. The intent of this rule is to look at causes and plans for resolving systemic issues that result in unplanned disruptions and removals.

(3) and (4) There is a clear delineation between the roles of social service workers and social service aides. The aide may not assume any of the roles of the social services workers. An aide may prepare a report that involves compiling data from other sources if the social services worker co-signs the report.

R 400.12208 Job descriptions.

All people who work in the organization, including volunteers, must have a job description.
All responsibilities for the operation of the organization are to be covered by the composite of the job descriptions.
Staff must know their job description and to whom they report.
The organization's practices must conform to the descriptions.
An organizational chart is one way to demonstrate how all responsibilities are covered. When an organizational chart is used, lines of authority must be clear.

R 400.12209 Orientation and training.

There is no requirement in the rule that an agency send staff for training through the Child Welfare Training Institute. Local DHHS offices and agencies under contract to the department, however, must attend CWTI and meet training requirements outlined in the Modified Settlement Agreement. Regardless of what training program is utilized for initial training, all topics identified in subpart 4 of the rule must be covered.

Shadowing may be a part of orientation but cannot be the only form of orientation. The total number of required hours of orientation must be completed before a social service worker or supervisor assumes sole responsibility for assigned duties.

R 400.12210 Grievance handling.

The agency is expected to follow the grievance policy as it is written. The timelines the agency sets forth need to be reasonable and achievable. The agency may need to increase the amount of time for response as the level of review rises in the agency chain of command.

Subpart (b) requires that the policy address matters relating to the act, rules, and the agency's written policies. The agency is not required to apply the full grievance policy for complaints that are not related to the act, the rules, or the agency's written policies.

On April 1, 2015, MCL 722,958a became effective. This legislation is commonly known as the Foster Parent's Bill of Rights. In this section of statute, there are required topics that must be tracked and reported to the legislature. These areas are:

- (a) The total number of grievances filed during the reporting period.
- (b) The total number of grievances resolved within 30 days.
- (c) The total number of grievances that were not resolved within 30 days.
- (d) The total number of complaints that were filed with the department's bureau of children and adult licensing, including the number of licensing actions that resulted from those complaints.
- (e) A summary of any policy changes that were initiated in response to the grievances filed.
- (f) The total number of grievances that resulted in an administrative hearing process, including the number of actions where the administrative law judge denied or dismissed the action, agreed with the supervising agency, or agreed with the foster parent.

Each child placing agency will be required to submit a report to the Division of Child Welfare Licensing on the above topics on a quarterly basis. The quarters shall be 1/01 through 3/30, 4/1 through 6/30, 7/1 through 9/30, and 10/1 through 12/31. The reports will be due by the last day of the calendar month that follows the end of each quarter.

R 400.12211 Privacy safeguard.

(1) Foster parents need to be clearly advised regarding providing information about foster children on the internet, including names and pictures. This includes social media.

(2) Implied in the concept of accruing positive value for a child is the child's attitude about the publicity and willingness to participate.

DCWL has no authority to apply this rule to biological children or children whose adoptions are finalized.

R 400.12212 Personnel records.

(1) There must be a personnel file for all staff members, including volunteers and contractual employees.

(2) (b) Verification of education must be commensurate with that described in the job description, even if that is a greater requirement than the rule requirement.

(d) References may be in the form of written documentation of conversations or letters of reference. If the reference is taken from a conversation, the information is to be documented on a reference form and it must be noted how the information was received. It is recommended that references be written and dated within the 12 months preceding hire. The name of the person giving the reference and this person's relationship to the employee must be documented.

(3) When a person changes from one position to another, there is an expectation that there be a review of performance not later than 6 months after the person changes positions.

(4) Training records must be maintained. They may be maintained in a separate file from the regular personnel record.

R 400.12213 Record Management.

Cross reference R400.12204, R400.12328, R400.12422, R400.12509, R400.12608, R400.12713 and R400.12808.

To ensure that confidential information is safeguarded, it is not appropriate for agency staff to maintain files in their homes. The agency should have specific guidelines regarding what information from files may be taken out of the agency and how the staff person is to guard against destruction, damage, and breach of confidentiality. If agency staff primarily work in a mobile format with all information accessible from mobile electronic devices, the agency must ensure that all technology used has adequate security features and that work is not being conducted in public locations that could jeopardize the security and confidentiality of information.

If all service plans are kept electronically, there must be someone available to assist consultants in reviewing the services plans and the case record. For other types of files, if the agency keeps an electronic file, they must be able to demonstrate that required time frames were met and required signatures obtained as required by the rules or the agency's written policy. Electronic records must have a feature that records when work is completed to ensure accuracy of entered dates and signatures.

PART 3. FOSTER HOME CERTIFICATION

R 400.12301 Department authorization.

An agency must be specifically authorized to certify foster homes for licensure.

Courts that certify foster homes for licensure must comply with the rules in Part 3. If a court wants to be an AGU (approved governmental unit) for purposes of being able to borrow foster homes from other agencies, but does not want to certify homes of their own, the court must still comply with rules 302, 303, 305, 307, 311, 326, and 317.

R 400.12302 Program statement.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

R 400.12303. Policy and procedures.

An agency may choose to have written policies that exceed the minimum requirements set forth in these rules. The exception to this is that an agency may not have policies that are discriminate against any group that is protected under the Elliott-Larsen Civil Rights Act.

When an agency chooses to have policies that exceed the minimum requirements of the rules, the agency is expected to follow their own written policies. When the agency does not comply with the part of their policy that exceeds the minimum requirement, R400.12303(1) is to be cited.

There must be a policy for each of the areas covered in the subsections identified in (2) of the rule. The minimum content is contained in the rules that correspond to each of the subparts of this rule.

R 400.12304. Recruitment and retention.

If there is a pattern of an agency being cited for placing more children in homes than the licensed capacity or frequently requesting rule variances to place more children in a home than the licensed capacity, the DCWL consultant is to consider citing subpart (1) of this rule.

R 400.12305. Certification training.

Cross reference R 400.12209 (2), Orientation and Training. For agencies that are covered by the MSA, the training must occur within 16 weeks of the date of hire into the position.

There is no requirement for a supervisor or a social service worker to attend certification training or special evaluation training more than one time or to have attended it since the revision of this rule.

R 400.12306 Application request.

Subpart (2) The agency must have written documentation of the willingness to provide care to the children served by the agency. The statement should clearly indicate that the prospective applicant has been given a copy of the program statement and knows what types of children are served by the agency.

The intent of the orientation occurring prior to the agency giving a person an application is for the agency to provide enough information to the prospective foster parent so the person can make an informed decision regarding whether or not to continue the licensing process.

Subpart (3) When an applicant has completed the agency's orientation, knows what types of children are served by the agency, states that they are willing to provide care to the children served by the agency, and asks for an application, the agency **must** give the person an application. The individual has the right to have a home study and an assessment of whether there is compliance with the applicable rules. The agency **may not** just tell a person or couple that they are not going to get a license based on information obtained during the orientation. The agency does not have any authority to ask for more than basic information, i.e, name, address, and phone number, prior to an application being signed.

The agency must have written documentation that all of the documents required in subpart 3 have been provided to individuals who have been given an application.

Subpart (4) The agency is required to document that a renewal application has been provided to licensees at least 60 days prior to the expiration date of the license, therefore, the agency may only provide the application during the renewal onsite if the onsite precedes the expiration by 60 or more days. Otherwise, it must be mailed or provided in some other manner in advance. This does not prohibit the agency from sending the renewal application more than 60 days prior to expiration.

R 400.12307 Orientation.

The agency must cover all of the topics identified in the rule. The rule does not specify the level of detail of information that has to be provided in orientation. As noted in rule 306, the purpose of orientation is to provide an overview. There is no requirement that the orientation be provided in a classroom setting. It may be appropriate to do the orientation in the prospective applicant's home.

There is no minimum number of hours of time required for orientation. Orientation does not transfer from one agency to another.

R 400.12308 Application submission.

Subpart (1) Once an application has been signed, the applicant(s) have a due process right to have a home study, an assessment of compliance with the applicable rules and a decision regarding whether the agency recommends that the applicant(s) be licensed. If the agency recommends that the applicant(s) be denied a license, the applicant(s) is entitled to an administrative hearing.

Subpart (2) When two adults are married, both must sign the application. When two adult partners are living in the foster home and are not married, the assumption is that both adults will be providing some level of care for foster children and therefore both must sign the application. An adult living in the home who is not a caregiver is also not able to be the substitute caregiver as the person has said they do not provide care. This does not eliminate the requirement that the person be studied as a member of the household.

Subpart (3) There is to be written documentation of the agency's efforts to engage the applicant(s) in completing the process before the application is withdrawn because of a failure to cooperate with the completion of the licensing process.

R 400.12309 Records check.

Subpart (1) The BCAL 1326 CW, Licensing Record Clearance Request, is to be given to applicants to complete at the same time the application form is signed. An agency is to submit the application form and the BCAL 1326 CW to BCAL when the fingerprint clearance is completed for the completion of the records check and enrollment immediately after they are signed. The application form and BCAL 1326 CW are not to be held while the home study is being completed. New record checks are not routinely needed at the renewal of the license as the department gets RAPBACK information from the Michigan State Police (MSP) for all licensees and foster home applicants at the time a person is arrested and fingerprinted or is convicted of new crimes. Information obtained from fingerprints may not be uploaded into an electronic file.

Subpart (2) If an agency receives information, from any source, that indicates that an adult member of the household has been convicted of a crime or has had involvement with children's protective services, the agency is to obtain new BCAL 1326 CW forms completed by the adult member of the household and submit them to DCWL central office for a new records check.

If the person refuses to complete a new BCAL 1326 CW, a form previously signed by the individual in question may be used to obtain the new information. A note should be attached to the form indicating the need for a current clearance and that the person in question was not willing to sign a new form.

R 400.12310 Initial evaluation.

(1) The initial written evaluation of the prospective foster home must be completed prior to making a recommendation to certify the home for licensure.

(2) The list of contacts may include the information regarding orientation sessions the applicants have attended, but this is not required.

(3) The initial evaluation must contain information regarding each of the sub parts of this section of the rule. In fall 2008, DCWL introduced a required format for the initial licensing study. See CPA Letter 2008-01 for further information and required document. Each of the identified topics is to be assessed. There must be more than restatements of what the applicant(s) said to be in compliance. If a subpart is not applicable to an applicant, the study must state that fact.

- (a) The language of the rule suggests that more than one visit should be made to complete an initial assessment of the family. No specific number of visits is required, however, at least one visit must take place in the home. Each member of the household must be interviewed and assessed, including minor children. There is no specific age at which interviews of children are appropriate. If children are determined to be too young to interview, the rule still requires that there be information regarding the observation of the relationships of the various family members. The family may not tell a certification worker that children cannot be interviewed. The interviews of the individual household members must cover all of the items identified in this sub rule. If there is an area where the family has not had experience, that must be stated.
- (i.) Marital and family status and history is to include information about the current marital/partner relationship as well as previous marriages/relationships for both partners. If the applicant has children and the other parent of the child(ren) is not the current spouse or partner, there must be information regarding the relationships that produced the child(ren). Does the parent have ongoing contact with the child(ren)? Does the person pay child support? (etc.)
 - (ii.) When the family indicates they are home schooling, the information regarding education must identify what system the parent follows and how the child's progress is evaluated and assessed. Information regarding special skills and interests does not have to be tied to skills and interests that are related to fostering, but if there are skills that would relate to fostering the information should be included. For example, someone who is a nurse might be an appropriate parent for a medically fragile child.
 - (iii.) An individual does not have to be employed to become licensed. There must be a legal source of income, but it does not have to be earned income. There is no requirement to verify income, however, when there are questions, the agency should document how income was verified. Even if the agency does not choose to verify the income, the income must be verifiable if necessary. No minimum level of income is required, but the family must be able to support themselves without the use of foster care funds. When an applicant states that the source of income is money given from a family member or another individual, the person who gives the money on a regular basis must provide a written statement confirming the amount of the ongoing gifts and that there is an expectation that the gifts will continue for the foreseeable future. The agency must evaluate the family's expenses in relationship to income. Again, if there are questions, the agency may ask the family to document expenses. When evaluating expenses, the agency should ask about all expenses, including food, clothing, entertainment, car insurance, home owner's expenses, etc. The agency is to also assess whether the information given is credible, for example, the applicant family has four members and says the budget for food is \$100 per month. The family is not getting SNAP or food stamps. This is not credible.

If an applicant/licensee is ordered to pay child support, there must be consideration of whether the child support is current. If it is not, there must be verified information on how much back support is owed and what the plan is to bring the back support payments current and maintain child support payments as current.

- (iv.) The assessment of physical, mental, and emotional health must be done in relationship to the individual's ability to provide care as well as the individual's care needs. For example, if there is a physically challenged or emotionally impaired child or a senior citizen living in the home, how much energy is devoted to meeting that person's physical or emotional needs? What impact will the needs or behaviors of the person have on children who might be placed in the home? If someone in the family has had counseling or the couple has had couple's counseling, this must be evaluated. The person who has had counseling (or the parent for a minor) must sign a release to obtain information from the treating therapist. If the therapist is no longer available or the information cannot be obtained, it is up to the agency to determine that the person/couple has adequate mental and emotional health. A new evaluation may be requested when that is appropriate.

If a family member has been hospitalized due to mental health or emotional problems, this also requires careful evaluation. Again, the person who was hospitalized (or the parent of the minor who was hospitalized) must sign a release to obtain information from the treating hospital. If the information cannot be obtained, it is up to the agency to determine that the person/couple has adequate mental and emotional health. A new evaluation may be requested when that is appropriate.

Assessment of an applicant's mental health condition can be particularly difficult. Both state and federal legislation exist to protect against discrimination based on a person's mental disability. The certifying agency's assessment may not be based on generalizations or stereotypes about the effects of a particular disability. Rather, an agency must conduct an "individualized assessment" based on reasonable judgment and relying upon current medical evidence or the best available objective evidence to determine the nature, duration and severity of the person's psychiatric impairment as it relates to parenting foster or adoptive children. See CPA Letter 2008-02 for further information and required documents.

- (v.) Any evaluation of an individual's substance abuse history must be based on that specific person. An agency may not have an arbitrary policy that requires a set period of time after the person has stopped using substances before a license can be recommended or a placement made.
- (vi.) The description of treatment services should follow the guidelines as noted above in section iv.

- (vii.) When the applicant(s) has children, general beliefs about child raising are to be explored. When the agency is evaluating a two parent family, the agency is to address the attitudes and beliefs of both individuals and ask how differences of opinion are worked out. The place of children in the family and the status of children in the family are to be explored. When the applicant(s) does not have children, the agency is to ask about relevant experiences with children.
- (viii.) The discussion of discipline techniques is to cover the attitudes and beliefs of the applicant(s) regarding how both positive and negative behaviors of children are handled.
It is critical to thoroughly discuss discipline practices and beliefs about effective methods of discipline and general child management. There should be a frank, open discussion about the problems created when there is a different approach to discipline for the applicant's birth or adopted children and foster children. Applicants must agree to follow the agency's discipline policy.
- (ix.) If the applicant(s) has children, whether minor or adult, the adjustment and special needs of those children must be addressed, regardless of whether or not they reside in the home. Adult children must be contacted either in writing or by telephone. All children are to be asked about their perspective on their parents' parenting skills and methods of behavior management. When adult children have had, or currently have, adjustment issues relating to employment, substance abuse, imprisonment, or other issues, the assessment of the parent's role and responsibility for the adult child's problems must be individually assessed. If adult children have a history of substance abuse, child abuse, violence, etc. the agency must explore how often the adult child will be in the home and how the interactions with possible foster children will be supervised.
- (x.) The agency may report what the applicant(s) says about strengths and weakness of individuals or their partner, but the agency must evaluate the statements of the person. The agency is also to evaluate the strengths and weaknesses of each individual in the home.
- (xi.) This section should be a brief overview of the applicants' childhood and growing up experiences. If either or both applicants were ever placed out of the parental home, either with relatives, others, or in foster care, the circumstances that necessitated the placements should be identified as well as the person's feelings about those experiences. If there was no history of out of home care, that must be stated.
- (xii.) There must be a statement of why the person has made the decision to apply for licensure. If the initial response is broad, such as, "I love children" or "I want to help children", there should be some exploration of what those statements mean. If the reason given indicates a lack of understanding of the system, there should be evidence that the certification worker has provided enough information to assist the person in understanding the issues of the foster care system.

- (xiii.) The applicant is to be asked specifically if they have been licensed for foster care, child care, or adult foster care in the past. If the person has been licensed in the past, the applicant's experiences as a licensee are to be discussed. When possible, the file from that license should be reviewed. If they have not been licensed, that is to be noted.
- (xiv.) Examples of issues that should be explored are: What will the family do to insure that a foster child is included as a member of the household? How will the family treat foster children in the areas of contact with extended family? Do all family members have similar meals and eat them together as a group? Are all children in the family disciplined in the same manner? Etc.
- (xv.) An agency may ask if an applicant is interested in parenting a child of a different race or culture. Federal law prohibits the agency from assessing the capability or appropriateness of the person to parent cross racially or cross culturally. If an applicant expresses a desire to parent children of a different race or culture, the agency may ask how the individual will create an atmosphere that is comfortable for the child and affirms the child's race or culture. This is the one area where the agency is to simply restate what the applicant has stated and not assess the information.
- (xvi.) The agency is to ask applicants about how they will work with birth families and explain that this is an expectation in cases with reunification as the established goal. The agency should ask questions of the applicant and assess the applicants understanding of birth family attachment while exploring possible behavior issues and difficulties with the family to ensure their understanding.
- (xvii.) The applicant is to be asked if they are willing to participate and plan for both the current goal, such as reunification, while also considering an alternate goal such as adoption, if needed and applicable. Does the family understand concurrent planning and what is their level of commitment to it? Do they understand that these plans and goals change?
- (b) If there have been previous evaluations for adoption or adoptive placements, the differences, if any, between those evaluations and the current evaluation are to be identified. If there have been no previous evaluations, this is to be stated. If children were placed for adoption, there is to be an assessment of the adoptive placement, if that is not identified earlier in the study. If previous adoptive placements have failed, the reasons for the placement failing must be discussed and assessed.
- (c) There is to be an assessment of the information that is reported back on the BCAL 1326 related to previous criminal convictions and substantiated child abuse or neglect investigations or concerns brought to the agency's or the department's attention for all adult members of the household. If a household member reports one of these things and the information is not noted on the BCAL 1326, the agency may need to secure police record checks and police reports or information from the county DHHS office.

- (d) References must be completed within the 12 months prior to the effective date of an original license. No specific format is required for references. If the reference is obtained verbally, either face to face or by telephone, there must be written documentation of the date the reference was obtained, the content of the conversation, the name and relationship of the person providing the reference as well as the name of the person taking the verbal information. The person taking a verbal reference must be qualified as a social service worker. Any negative information received from a reference must be addressed in the home study.
 - (e) The DCWL medical form is not required for medical information. The medical statement must have been signed within the 12 months prior to the effective date of the original license. The ability to provide care as well as the care needs of all household members must be assessed and the statement signed by a physician, either an MD or a DO or a licensed physician's assistant or nurse practitioner.
 - (f) An onsite visit to the home is required to determine compliance with section 3 of the foster family home rules. If there are natural or manmade hazards on or near the premises, i.e. lakes, rivers, swimming pools, undeveloped land, busy highways, farm equipment, etc. they must be assessed in the context of the types of children appropriate for care in the home. If necessary, a safety plan should be identified prior to any child being placed into the home. The same applies to having sufficient beds and sleeping space for all children they are being licensed for, and an assessment of pets and guns/weapons. There must be an assessment of safety and maintenance.
 - (g) The worker must not only describe the neighborhood, schools and community but make an assessment of suitability related to the children the family wishes to care for.
 - (h) The applicant's initial thoughts about the types children they wish to parent are to be identified.
 - (i) The agency must assess training needs of the family as specific topics and classes, not just a number of hours. The training should be focused on being able to provide services to the types of children served by the agency. The assessment of training needs must be an evaluation of areas where the foster parent(s) need more training or would benefit from additional training. It is not acceptable to simply list the training the foster parent(s) have had, to state a number of hours with no topics identified, or to state the agency's training catalog will be sent out.
- (4) The agency is to identify the specific types and numbers of children that the applicant is qualified to care for and the types of children that are not appropriate for the family. The recommendation must take into account all of the information in the study, not just the wishes of the foster home applicant. A family should not be licensed for children they have stated they do not want to work with. If an agency is in the habit of recommending all families for licensure for the maximum number of children who will fit into the home and always recommends ages birth through 17 years of age, this may be evidence the agency is not making recommendations that match the content of the study.
- (6) It is up to the agency to determine how they notify applicants that a copy of the initial evaluation is available. Interviews with foster parents may be a way of determining if an agency is complying with this subsection.

R 400.12311 Foster parent/agency agreement.

(3) The agency needs to document in the annual study that the agreement has been reviewed or there must be annual dated signatures on the agreement indicating that the foster family has reviewed the agreement.

(4) The agency must be able to verify they provided a copy of the signed agreement.

There must be a foster/parent agency agreement when the agency is borrowing a foster home from another agency.

R 400.12312 Foster parent training.

(1) This is intended to be an overall plan for training of the agency's foster parents. Foster parents must be a part of developing the overall agency training plan. Training does not have to be delivered in a classroom. Books, videos, internet classes, etc. may be a part of the training plan. It is up to the agency to determine how many training hours are counted for these types of training. There must be some mechanism for documenting that the foster parent completed training and that some content was learned, i.e., a brief written summary of what was learned given to the certification worker, a discussion with the certification worker to ask questions, a certificate of completion, etc. Support groups may not count as training unless there is a specific training topic that is covered during the support group session. If a foster parent is taking college classes, the content must be relevant to fostering for it to count as training. Again, the agency must determine the number of hours of the class that are related to fostering and may choose to give credit up to the number of credit hours the person is earning. When the class is offered in an academic setting, it is not appropriate to give credit for the total number of clock hours spent in the class.

(2) (a) The intent of this subpart is that the agency must identify, as a part of the training plan, how the training needs of individual foster parents will be met. This requires that each individual named on the license must have training needs assessed and must have the required number of training hours, as specified in subparts b and c. This does not state that there may not be a standardized training program for most foster parents, but rather that there must be a way to determine if there are specific needs for specific foster parents that are not covered in the standardized training plan. PRIDE training is not a requirement of this rule. If an agency chooses to use PRIDE training, there must still be assessments of individual needs. Cross reference rule 310 (3) (i) and rule 313 (2) (b) and (c).

(b) Training delivered prior to the signing of the application is orientation. No more than 6 hours of training delivered prior to the signing of the application form may count toward the 12 hour requirement. When relatives are being licensed and the children are already in the home, the 12 hours of training must be completed prior to beginning payments and considering the children "placed" as foster children.

(3) The topics identified in this subpart must be covered within the first 2 ½ years of licensure.

- (4) The agency must maintain documentation of current certification for at least one adult member of the household. Agencies are encouraged to work with community organizations, such as the local fire department, emergency services, child caring institutions, etc. to locate local resources for training first aid. There are classes available online that offer first aid training and a certificate for no fee, but agencies are encouraged to locate classes that allow the person to practice the first aid skills in a classroom setting as that makes it more likely the person will not be afraid to use the information in an actual emergency. If the agency is offering classes on site through the use of video or other electronic media and giving certificates based on testing, the person signing the certificates must be qualified to assess the person taking the training has met the necessary criteria to receive the certificate.
- (5) It is up to the agency to determine how training is documented, but it must be documented for each person separately.

R 400.12313 Behavior management policy.

Case plans for specific foster children that identify child management plans, required in rule 418 (5)(g) and (6)(g), should reflect the agency's preferred methods for dealing with behaviors.

The behavior management policy should, as noted in subpart 2, identify those things that are positive ways of encouraging and promoting good behavior rather than only identifying the types of behavior management that are prohibited.

R 400.12314 Religion policy.

The intent of the rule is that foster children should be given the opportunity to attend services, but not that religious instruction or attendance is required. If birth parents have specific religious practices that are different from the foster parent or that the child does not want to participate in, this should be negotiated in the treatment plan.

R 400.12315 Communication.

The intent of the rule is that foster children should be given the opportunity to maintain approved communications safely. This includes written, electronic, telephone, text, etc., communication.

R 400.12316 Personal possessions.

The intent of this rule is that a child's possessions continue to be identified as his possessions while in care. When the child leaves care or leaves the foster home to move to another foster home, the child can take his possessions with him. Gifts that are given to a child are the child's property and are his when he leaves the foster family.

(b) Cross reference with R 317 (2) and R 318 (b). An agency may work with a foster family when a child is in placement for an extended period of time and the child outgrows clothing that is purchased for the child to determine an appropriate way of managing the outgrown clothing. The intent of this section of the rule is to ensure that children are not given "gifts" or do not have clothing purchased for them that are taken back when the child leaves the home.

R 400.12317 Allowance and money policy.

This rule does not mandate that an allowance be given directly to a foster youth. The agency must have a clear policy that specifies expectations regarding how the daily reimbursement rate is to be spent or saved. If the money is being saved, the policy must identify when and how the money will be dispersed to the child.

(2) Cross reference with R 316 (b) and R 318 (b).

R 400.12319 Substitute care policy.

There is no requirement that substitute care be provided by licensed providers or by adults, however, the needs of the child being cared for must be taken into account when determining what kind of substitute care may be provided and by whom.

An agency is not prohibited from placing age specific requirements for substitute caregivers, if the requirements are in writing and the foster parents have notice of the requirements. When the foster parents identify the person or persons they will be using for routine substitute care, the certifying agency is expected to complete an ICHAT and central registry clearance on the substitute caregiver.

R 400.12320 Supervision.

Agencies are to include a statement in the substitute care policy regarding the expectation for levels of supervision of foster children.

R 400.12321 Hazardous materials policy.

When a foster parent has a permit to carry a concealed weapon and is at home, the requirement that the weapon must be locked in a separate location from the ammunition still applies. When the foster parent has a permit to carry a concealed weapon, there must be a plan for how that weapon is stored safely when the foster parent is in locations where the weapon is not allowed by statute, i.e., the child placing agency, school, etc.

In a home where one or more of the household members is in law enforcement and has a requirement to have a gun available, a variance must be requested. The request must detail how the person will ensure safety for children in the household and must include a statement from the employing law enforcement agency that states the person must have a loaded weapon available in the home.

R 400.12322 Unusual incident policy.

“Immediate” notification is as soon as possible and without delay.

R 400.12323 Emergency policy.

There is no requirement that a copy of the foster home’s policies be in the certification file. There is to be documentation, however, that the foster home’s emergency policy has been reviewed and approved.

R 400.12324 Reevaluation.

(2)(b) All family members must be seen. If children are old enough to talk, the worker should interview the child based on the child’s developmental level. Observations of family relationships and how family members interact with each other must be documented in the annual assessment. It is acceptable to have a written questionnaire to obtain feedback from caseworkers that have had children placed in a home.

(c)The assessment of training needs must be an evaluation of areas where the foster parent(s) need more training or would benefit from additional training. It is not acceptable to simply list the training the foster parent(s) have had, to state a number of hours with no topics identified, or to simply indicate that a training catalog will be regularly mailed to the licensee.

(d) The BCAL 3080 must be completed at each interim and renewal visit to document whether there is compliance with the licensing rules. A copy is to be left with the licensee.

(4) The agency is to identify the specific types and numbers of children that the applicant is qualified to care for and the types of children that are not appropriate for the family. The recommendation must take into account all of the information in the study, not just the wishes of the foster home applicant/licensee. A family should not be licensed for children they have stated they do not want to work with. If an agency is in the habit of recommending all families for licensure for the maximum number of children who will fit into the home and always recommends ages birth through 17 years of age, this is evidence the agency is not making individualized recommendations that match the content of the study.

(5) Discussion of concurrent planning policies and procedures must occur at each annual and renewal and be specific to the child(ren) in the home, or generalized if there are no children in the home.

(8) Interim evaluations must be completed between 11 and 13 months from the most recent renewal date. Renewal evaluations must be completed and signed by the certification worker and the supervisor and subsequently sent to the department at least 15 days prior to the expiration. The written renewal or interim evaluation and the information on the BCAL 3080 should be consistent in identifying rule compliance and terms of the license. A copy of the BCAL 3080 is to be left with the licensee. The written renewal evaluation and corresponding BCAL 3080 must be completed prior to the BCAL 3706 being submitted to the department requesting renewal of the license.

R 400.12325 License recommendation.

(1) This may be cited when information contained in the file is not adequately assessed leading to a recommendation that does not reflect all factors that should have been considered.

(2) All changes to the terms of the license must be documented in either an updated foster home study or in an addendum to the most recent foster home study. The agency must complete the documentation prior to making placements of children into homes outside of the terms of the existing license. The BCAL 3706 must be sent to DCWL prior to or on the same day that any placements are made based on the changed license terms. If a child is placed into a home and it is discovered the child has needs beyond what were initially known and outside the terms of the license, but the foster parent(s) are providing for the needs of the child, the new terms are to be added to the license within 5-7 business days of this being identified.

R 400.12326 Borrowed home.

When an agency borrows a home from another agency or a tribe, it is required that all of the permissions and information identified in subrule (1) be received prior to the child being placed. Permission to use a borrowed home is only good for the specific placement. If an agency wants to make additional placements into the same home, another agreement and updated information is required.

No CPA has permission to use the homes of another agency without the written prior permission of the certifying agency. This includes a DHHS office placing a child in a home certified by another DHHS office.

The intent of the borrowed home rule is that all of the information identified in subpart (1) should be in the borrowed home file on an ongoing basis to ensure the well-being of all children in the home. If an agency is lending a home to another agency, that agency is to be advised that they are required under subpart (3) to send information on an ongoing basis.

(1)(c) requires written endorsement of the study from the borrowing agency. There must be either a signature or some other indication the borrowing agency accepts the study as written and the endorsement is to be dated. If the borrowing agency does not find the study acceptable, the borrowing agency is responsible for adding an addendum to the study to correct or add any needed information. The same applies to (1)(d) regarding the reevaluations.

If a foster home is being used as a shelter home, there may be a borrowed bed agreement between the certifying agency and the local DHHS office that is an ongoing agreement. All documents identified for a borrowed home must be shared on a regular basis, i.e. initial home study, renewal and interim home studies, and special evaluations. If a shelter placement is made, the certifying agency must be notified with the information about the child on the next business day after the placement is made.

R 400.12327 Special evaluation.

(1) The agency is responsible for the time frames in this rule from the date that the information is received by anyone in the agency, not from the date the certification worker receives the information nor from the date the agency decides to open a special evaluation.

(a) The method for notification is for the child placing agency to complete the BCAL 259 and submit it to DCWL central office. The BCAL 259 must be date stamped in central office DCWL within 5 working days of the agency's receipt of the information.

- (2)(a-c) In the event the investigation is the result of allegations of abuse/neglect and the agency is working in collaboration with Children's Protective Services/Maltreatment in Care (CPS/MIC), advance notice to foster parents of the investigation and allegations is to be postponed until just prior to the investigation beginning. The licensing worker must then advise the foster parent of the investigation, allegations and advise that the foster parent has the option to involve a support person if this would not impede the investigation. Should the foster parent declare they do want a support person and it won't impede the investigation process, the CPS/MIC worker would proceed with their interviews without the licensing worker present. The licensing worker would then conduct their interviews/observations after coordinating when the support person could reasonably attend with the foster parent.
- (2)(c) If the foster parent chooses to involve another individual in interviews, the purpose of the involvement is to provide support for the foster parent. The support person may not answer questions for the foster parent or interfere with the certification worker's investigation. This is not changed when the support person is an attorney.
- (5)(d) "Children" is not exclusive to foster children, and includes biological and adopted children.

R 400.12328 Foster home record.

- (1) The foster home record may be kept in an electronic format with documents uploaded into the electronic system with the exception of information obtained from the fingerprints. That information may not be uploaded into an electronic data base, but must be kept for the duration of time the home is licensed in a paper file.
- (2) Complaint investigations are to be retained in the file (either paper or electronic) as long as the license is open, even if there were no violations.

Notes that are taken in the process of obtaining information to write an initial or annual evaluation or a special evaluation are to be destroyed when the final report is written. The report should contain any information from the notes that is relevant, thereby eliminating the need to retain the notes. This does not include supporting documents obtained from another source, such as medical reports, substance abuse testing, police reports, etc.

- (3) An agency may charge a reasonable fee for copying a file for a foster home applicant or licensee. This does not apply to copying a file in response to a request from the FOIA coordinator for BCAL.

PART 4. FOSTER CARE SERVICES

R400.12402 Program statement.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

R400.12403 Policies and procedures

An agency must have a specific policy for each of the subsections identified in the rule. The minimum content of the policy is specified in the subparts of the rule.

If a private agency is under contract to the Department of Health and Human Services and agrees, as part of the contract, that DHHS policies and procedures will be followed, the agency must follow those policies. An agency may also have policies that exceed the minimum standards set forth in the rules or in policy. If an agency's policies exceed the minimum standards, the agency is accountable for following their own policies.

R400.12404 Placement.

(1) Any placement made by a licensed or approved child placing agency must comply with this subsection of the act, regardless of who within the agency makes the placement. This includes placements made by Children's Protective Services, as placement of children into foster homes is a regulated activity.

(3) Cross reference R400.12310(4) and R400.12324(4). Placement specifications include the capacity of the license. When a child is in another licensed home

(4) All of the placement selection criteria must be assessed at the time of the initial placement, at the time of the initial service plan and any time there is a change of placement. The agency should be able to document how each of the criteria were considered.

(6) The statement, "Too young to prepare" is not sufficient to meet the requirements of this subsection. Preparation for placement may include preparing the foster parent with information regarding the child's habits, feeding preferences, etc. as well as talking with the child regarding the move.

(7) All required information must be documented, even if the information is not in a single document.

Rule 405 deals with the documentation related to moves. The intent of this rule is to make it clear that placements are to be maintained whenever possible and that the agency has an obligation to assist foster families in meeting the needs of children to avoid disrupting placements.

R400.12405 Change of placement.

The intent of this entire rule is to ensure that all of the factors related to moves of children are clearly documented in the file and that careful consideration is given to the new placement the agency chooses when a move is necessary. When a significant number of children have been moved from one foster home to another during a review period, this may be an indicator that:

- foster parents recruited do not meet the needs of the children served;
- the agency does not provide the necessary training and support for either workers or foster parents;
- family and children assessments are not adequately completed resulting in poor matches between children and foster families.

The requirements of this rule apply to any change of placement type, including:

- a move from a foster home to an unlicensed relative;
- a move from one foster home to another foster home;
- a move from a foster home to a residential placement;
- a move from a foster home to independent living; or
- a return home from foster care.

R400.12409 Education policy.

The agency must be able to document that they have provided authorization to a foster parent to enroll a child in school. If the foster parent has trouble getting a school to accept a foster youth, it is the responsibility of the agency to intervene and assure that the child is enrolled in school within 5 school days of the placement.

There is no prohibition on private schools or charter schools, as long as the school is accredited. Home schooling is not prohibited by the rule but is prohibited for any agency covered by the Modified Settlement Agreement. The agency must make a determination that any non-public school program will meet the needs of the individual child. If a child is going to be home schooled, the agency must assess the ability of the individual foster parent to provide adequately for the child's education. The assessment that a program will meet a child's needs must be documented in the child's file.

R400.12413 Medical and dental care policy.

- (1) An agency must have a policy to cover medical care needed. The fact that a Medicaid card has not been received is not a sufficient reason for not insuring appropriate medical care.
- (1)(d) Information concerning the requirements of the public health code regarding the schedule for immunizations can be found on the web site for the Department of Health and Human Services.
- (f) A copy of an invoice indicating what services were provided is not sufficient to meet the intent of the rule. The statement from the dentist must also indicate whether or not additional treatment is needed.

R 400.12415 Incident reporting policy.

The responsible agency is the agency that has case responsibility for the child.

R400.12417 Foster parent information.

All of the information identified in this rule is child specific, even when siblings are being placed into the same foster home.

R 400.12418 Development of service plans.

- (3) If the responsibility for the child's case moves from one agency to another, there must be some kind of new plan in the child's file within 30 calendar days after the change. It does not have to be a complete Service Plan, but must address why the case was transferred, whether the new worker/agency agrees with the previous case plans, and any changes since the last plan was written. History from previous plans may be referenced in this plan.
- (4) The agency must document that the service plan was reviewed and provided to the foster parents. Documentation may be in social work contacts or by the foster parent signing a document acknowledging that the plan was reviewed and a copy received.

R 400.12419 Initial service plans.

- (1)(h) The child management plan is to be specific to the individual child. Statements such as "Foster parent will follow agency's behavior management plan" or standard behavior management plans that are in every child's plan are not acceptable.

R 400.12420 Updated service plans.

(1)(g) The child management plan is to be specific to the individual child. Statements such as “Foster parent will follow agency’s behavior management plan” or standard behavior management plans that are in every child’s plan are not acceptable. The plan should address the effectiveness of previous behavior management plans and whether the plan is being modified to better meet the needs of the child. If a child has behavioral issues and there has been no improvement, the worker is to carefully assess the behavior management plan to see if it is being implemented properly and how it can be modified to assist the child in making progress in placement.

R 400.12421 Visitation and parenting time.

If the agency policy requires visits in the foster home more frequently than once every month, the agency must comply with their policy.

When visiting with a child in a foster home the worker should visit with the child separately from the foster parent in a place that assures privacy. It is not acceptable to count parenting time as the worker’s visit with the child, even when parenting time is supervised.

R 400.12422 Foster care record.

The agency may maintain a family case record if there are multiple siblings in a family, in care. However, there must be a specific section for each child and all information as required by rule for each specific child. The record may be kept electronically if it can be made available for review by the licensing authority.

PART 5. INDEPENDENT LIVING SERVICES

R400.12501 Department authorization.

A child caring institution cannot avoid licensure as a child caring institution by making application to operate a child-placing agency with the use of an unlicensed building to house youth. Independent Living requires that a resident have control of life skill decision-making and finances. The agency can only provide limited supervision and control of the resident. If an agency has a contract with the department for Independent Living Plus, all terms of the contract shall be met.

The following factors are some of the indicators a facility is a CCI:

- Residents, age 16 or 17, require 24-hour staff supervision.
- The agency has set up staffing similar to an institution.
- The facility offers components similar to an institution such as food services, social services and treatment services.
- The agency controls the youth's income.

R400.12502 Program statement.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

R400.12503 Policy and procedures.

An agency must have a specific policy for each of the subsections identified in the rule. The minimum content of the policy is specified in the rules.

If a private agency is under contract to the Department of Health and Human Services and agrees, as part of the contract, that DHHS policies and procedures will be followed, the agency must follow those policies. An agency may also have policies that exceed the minimum standards set forth in the rules. If an agency's policies exceed the minimum standards, the agency is accountable for following their own policies.

R400.12504 Eligibility requirements.

A youth may live in a licensed foster home as an independent living placement. The youth does not count in the number of foster children in the home. All foster home rules must still be in compliance, i.e., amount of square footage required in a bedroom. The youth is to be assessed as a member of the household, including having a medical statement in the foster home file. If the youth is 16, the youth is included in the count of 8 for the number of children under the age of 17. If the foster home accepts the youth into the home and the agency was not involved in the placement, the foster home must notify the agency of the change in household composition.

R 400.12507 Medical/dental and mental health care.

- (2) The agency should document their active and ongoing efforts to encourage youth who are age 18 or over to participate in medical, dental and mental health services.

R 400.12509 Independent living record.

- (3) While not all elements of this subrule will have changes, any area that contains a requirement for current information that could change must be specifically addressed indicating that there has or has not been a change and if there is a change in any element, the changes must be clearly specified.
 - xi. Any piercings, scars, or tattoos should be noted under the identifying marks.
 - xii. The photograph required in the file must be an original color photograph. It may be printed on a color copier from a digital camera.
- (d) The information on siblings should include information about siblings who have been adopted.

R 400.12510 Independent living contract.

- (2) The agency must document that a copy of the contract has been provided to the youth.

PART 6. ADOPTION EVALUATION SERVICES

R 400.12602 Program statement.

c) When the agency's eligibility requirements are met, the agency may not refuse to give a family an application for adoption.

R 400.12603 Policy and procedures.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If a private agency is under contract to the Department of Health and Human Services and agrees, as part of the contract, that DHHS policies and procedures will be followed, the agency must follow those policies. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

R 400.12604 Orientation and application.

The agency must cover all of the topics identified in the rule in orientation. The rule does not specify the level of detail of information that has to be provided in orientation. The purpose of orientation is to provide an overview. There is no requirement that the orientation be provided in a classroom setting. It may be appropriate to do the orientation in the prospective applicant's home.

There is no minimum number of hours of time required for orientation, only that it is done prior to the application being provided.

R 400.12605 Adoptive family evaluation.

The intent of this rule is that there be a current study of a family (not just the prospective adoptive parents) to assure, as much as possible, that a child will be well cared for and safe in an adoptive family. A “current study “ means one that has been completed within the 12 months prior to an adoptive placement. If studies have been completed in the past for purposes of foster home licensing, other adoptions, or by another agency, the recommendation by the agency to accept the information in those studies is an indication that the agency accepts the information in the study as accurate and factual. If previous studies are referenced, the study referenced must be available in the file for review. The current study must specifically state what circumstances have not changed and must cover any gaps in time between the referenced study and the current study.

(1) The initial written evaluation of the adoptive family must be completed within 90 days of the family signing the application and prior to making a recommendation to approve the family for adoption.

(2) The list of contacts may include the information regarding orientation sessions the applicants have attended, but this is not required.

(3) The initial evaluation must contain information regarding each of the sub parts of this section of the rule regardless of the type of adoption being contemplated, i.e., foster child, newborn infant, step-parent, relative, international, etc. There is no required format for the study. Each of the identified topics is to be **assessed**. There must be more than restatements of what the applicant(s) said to be in compliance. If a subpart is not applicable to an applicant, the study must specifically state that and why it is not applicable.

(a) The language of the rule suggests that more than one visit should be made to complete an initial assessment of the family. No specific number of visits is required, however, at least one visit must take place in the home. Each member of the household must be interviewed and assessed, including minor children. There is no specific age at which interviews of children are appropriate. If children are determined to be too young to interview, the rule still requires that there be information regarding the observation of the relationships of the various family members. The family may not tell an adoption worker that children cannot be interviewed. The interviews of the individual household members must cover all of the items identified in this sub rule. If there is an area where the family has not had experience, that must be stated.

(i) Marital and family status and history is to include information about the current marital/partner relationship as well as previous marriages/relationships for both partners. If the applicant has children and the other parent of the child(ren) is not the current spouse or partner, there must be information regarding the relationships that produced the child(ren). Does the parent have ongoing contact with the child(ren)? Does the person pay child support? (etc.) If a person does not have contact with children from a previous relationship, there must be a clear and reasonable explanation regarding the lack of relationship and how a relationship with an adopted child will be different.

(ii) When the family indicates they are home schooling, the information regarding education must identify what system the parent follows and how the child's progress is evaluated and assessed. Information regarding special skills and interests does not have to be tied to skills and interests that are related to adopting, but if there are skills that would relate to adopting the information should be included. For example, someone who is a nurse might be an appropriate parent for a medically fragile child.

(iii) An individual does not have to be employed to become an adoptive parent. There must be legal income, but it does not have to be earned income. There is no requirement to verify income. When there are questions however, the agency should document income. Even if the agency does not choose to verify the income, the income must be verifiable if necessary. No minimum level of income is required, but the family should be able to support themselves without the use of adoption subsidy. When an applicant states that the source of income is money given from a family member or another individual, the person who gives the money on a regular basis must provide a written statement confirming the amount of the ongoing gifts and that there is an expectation that the gifts will continue for the foreseeable future. The agency must evaluate the family's expenses in relationship to income. Again, if there are questions, the agency may ask the family to document expenses. When evaluating expenses, the agency should ask about all expenses, including food, clothing, entertainment, car insurance, home owner's expenses, etc. The agency is to also assess whether the information given is credible, for example, the applicant family has four members and says the budget for food is \$100 per month. The family is not getting SNAP or food stamps. This is not credible. If an applicant/licensee is ordered to pay child support, there must be consideration of whether the child support is current. If it is not, there must be verified information on how much back support is owed and what the plan is to bring the back support payments current and maintain child support payments as current.

(iv) The assessment of physical, mental, and emotional health must be done in relationship to the individual's ability to provide care as well as the individual's care needs. For example, if there is a physically challenged or emotionally impaired child or a senior citizen living in the home, how much energy is devoted to meeting that person's physical or emotional needs? What impact will the needs or behaviors of the person have on children who might be placed in the home? If someone in the family has had counseling or the couple has had couple's counseling, this must be evaluated. The person who has had counseling must sign a release to obtain information from the treating therapist. If the therapist is no longer available or the information cannot be obtained, it is up to the agency to determine that the person/couple has adequate mental and emotional health. A new evaluation may be requested when that is appropriate.

If a family member has been hospitalized due to mental health or emotional problems, this also requires careful evaluation. Again, the person who was hospitalized (or the parent of the minor who was hospitalized) must sign a release to obtain information from the treating hospital. If the information cannot be obtained, it is up to the agency to determine that the person/couple has adequate mental and emotional health. A new evaluation may be requested when that is appropriate.

Assessment of an applicant's mental health condition can be particularly difficult. Both state and federal legislation exist to protect against discrimination based on a person's mental disability. The certifying agency's assessment may not be based on generalizations or stereotypes about the effects of a particular disability. Rather, an agency must conduct an "individualized assessment" based on reasonable judgment and relying upon current medical evidence or the best available objective evidence to determine the nature, duration and severity of the person's psychiatric impairment as it relates to parenting foster or adoptive children. See CPA Letter 2008-02 for further information and required documents.

(v) Any evaluation of an individual's substance abuse history must be based on that specific person. An agency may not have an arbitrary policy that requires a set period of time after the person has stopped using substances before a license can be recommended or a placement made.

(vi) When the applicant(s) has children, general beliefs about child raising are to be explored. When the agency is evaluating a two parent family, the agency is to address the attitudes and beliefs of both individuals and ask how differences of opinion are worked out. The place of children in the family and the status of children in the family are to be explored. When the applicant(s) does not have children, the agency is to ask about relevant experiences with children.

(vii) The discussion of discipline techniques is to cover the attitudes and beliefs of the applicant(s) regarding how both positive and negative behaviors of children are handled.

(viii) If the applicant(s) has children, whether minor or adult, the adjustment and special needs of those children must be addressed. Adult children must be contacted either in writing or by telephone. All children are to be asked about their perspective on their parents parenting skills and methods of behavior management. When adult children have had, or currently have, adjustment issues relating to employment, substance abuse, imprisonment, or other issues, the assessment of the parent's role and responsibility for the adult child's problems must be individually assessed. When an applicant cannot provide information about adult children's whereabouts, the reason must be carefully evaluated

(ix) The agency may report what the applicant(s) says about strengths and weakness of individuals or their partner, but the agency must evaluate the statements of the person. The agency is also to evaluate the strengths and weaknesses of each individual in the home.

(x) This section should be a brief overview of the applicants' childhood and growing up experiences. If either or both applicants were ever placed out of the parental home, either with relatives, others, or in foster care, the circumstances that necessitated the placements should be identified as well as the person's feelings about those experiences. If there was no history of out of home care, that must be stated.

(xi) There must be a statement of why the person has made the decision to apply for adoption. If the initial response is broad, such as, "I love children" or "I want to help children", there should be some exploration of what those statements mean. If the reason given indicates a lack of understanding of the system, there should be evidence that the worker has provided enough information to assist the person in understanding the issues of adopted children and that placement decisions are made based on the needs of the child and the ability of a family to meet those needs.

(xii) The applicant is to be asked specifically if they have been licensed for foster care, day care, or adult foster care in the past. If the person has been licensed in the past, the applicant's experiences as a licensee are to be discussed. If they have not been licensed, that is to be noted.

(xiii) Examples of issues that should be explored are: What will the family do to insure that an adopted child will be included as a member of the household? How will the family treat adopted children in the areas of contact with extended family? Do all family members have similar meals? Are all children in the family disciplined in the same manner? Etc.

(xiv) An agency may ask if an applicant is interested in parenting a child of a different race or culture. Federal law prohibits the agency from assessing the capability or appropriateness of the person to parent cross racially or cross culturally. If an applicant expresses a desire to parent children of a different race or culture, the agency may ask how the individual will create an atmosphere that is comfortable for the child and affirms the child's race or culture. This is the one area where the agency is to simply restate what the applicant has stated and not assess the information.

(xv) The agency is to ask applicants about how they will work with birth families and explain that this is an expectation in cases with reunification as the established goal. The agency should ask questions of the applicant and assess the applicants understanding of birth family attachment while exploring possible behavior issues and difficulties with the family to ensure their understanding.

(xvi) The applicant is to be asked if they are willing to participate and plan for both the current goal, such as reunification, while also considering an alternate goal such as adoption, if needed and applicable. Does the family understand concurrent planning and is there a level of commitment to it? Do they understand that these plans and goals change?

(b) If there have been previous evaluations for adoption or adoptive placements, the differences, if any, between those evaluations and the current evaluation are to be identified. If there have been no previous evaluations, this is to be stated. If children were placed for adoption, there is to be an assessment of the adoptive placement, if that is not identified earlier in the study. If previous adoptive placements have failed, the reasons for the placement failing must be discussed and assessed.

(c) There is to be an assessment of the information that is reported back on the BCAL 1326 CW related to previous criminal convictions and substantiated child abuse or neglect for all adult members of the household. If a household member reports one of these things and the information is not noted on the BCAL 1326 CW, the agency may need to secure police records or information from the county DHHS office. The applicant(s) must be specifically fingerprinted for adoption. The FBI does not allow a fingerprint to be used for any reason other than the original reason it was done. Fingerprints completed for foster home licensing, teaching, or working in an agency are not acceptable.

(d) References must be completed within the 12 months prior to the placement of a child for adoption. No specific format is required for references. If the reference is obtained verbally, either face to face or by telephone, there must be written documentation of the date the reference was obtained, the content of the conversation, the name and relationship of the person providing the reference as well as the name of the person taking the verbal information. The person taking a verbal reference must be qualified as a social service worker.

(e) The DCWL medical form is not required for medical information. The medical statement must have been signed within the 12 months prior to the effective date of the placement of a child for adoption. The ability to provide care as well as the care needs of all household members (not including foster children) must be assessed and the statement signed by a physician, either an MD or a DO, or by a nurse practitioner or physician's assistant.

(f) An onsite visit to the home is required to address this element of the study. If there are natural or manmade hazards on or near the premises, i.e. lakes, rivers, swimming pools, undeveloped land, busy highways, farm equipment, etc., they must be assessed in the context of the types of children appropriate for care in the home. If necessary, a safety plan should be identified prior to any child being placed into the home. The same is applied for sufficient beds and sleeping space, pets and guns/weapons. There must be an assessment of safety and maintenance.

(g) The worker must not only describe the neighborhood, schools and community but make an assessment of suitability based on the type of children being considered for adoption.

(h) The plan must document who the individuals are, what their relationship is with the applicant, and that they are in agreement with the plan.

(k) The agency is to identify the specific types and numbers of children that the applicant is qualified to care for and the types of children that are not appropriate for the family. The recommendation must take into account all of the information in the study, not just the wishes of the applicant. The applicant must identify what plans they have to discuss adoption with any adopted child.

R 400.12606 Training requirements.

This rule does not specify a number of hours. The agency must document that all subparts of the rule are provided in trainings to applicants. Standardized trainings may be used. Training requirements for applicants must be met prior to approval for adoption. It is up to the agency to decide how to document training hours, but they must be documented for each applicant individually.

R 400.12607 Agency recommendation.

(3) All elements of a study do not have to be completed to determine that a family is not suitable for adoption, however, enough of a study must have been completed to establish facts to support that conclusion.

(4) An agency may have a policy that the study will not be released to a family until agreed upon fees have been paid. When this is the agency policy, this information should be included in the agency's orientation and the agency should not complete the signature and date on the study until the fees have been paid.

R 400.12608 Adoptive family evaluation record.

Agencies are expected to retain files onsite for a minimum of one year to ensure that the files are available for review by the consultant during the annual onsite evaluation. The files may be kept in an electronic format with the exception of FBI printouts from fingerprints which must be maintained in a paper format.

(4) and (5) When an adoption agency closes, whether voluntarily or through disciplinary licensing action, the agency is to turn all files over to the DHHS Adoption Program Office as noted in the rule.

PART 7. ADOPTION PLACEMENT SERVICES

R 400.12703 Policy and procedures.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If a private agency is under contract to the Department of Health and Human Services and agrees, as part of the contract, that DHHS policies and procedures will be followed, the agency must follow those policies. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

R 400.12704 Safeguarding rights.

The intent of this rule is to ensure that all parties involved in the adoption process have needs and rights considered and safeguarded. Agencies need to be cautious to not give preference to the rights of one party over the other parties.

R 400.12705 Release.

The requirement that information be provided to birth parents prior to the release of parental rights applies to any release of rights, including neglect/abuse cases, unless the child is relinquished under the safe delivery of newborns act, 1939 PA 288, MCL 712.1 to 712.20. When a birth parent releases rights during a court hearing and it was not expected, it is not required to discuss the identified topics, but it is good practice to cover the information with the birth parent after the release.

R 400.12707 Orientation.

The agency must cover all of the topics identified in the rule. The rule does not specify the level of detail of information that has to be provided in orientation. The purpose of orientation is to provide an overview. There is no requirement that the orientation be provided in a classroom setting. It may be appropriate to do the orientation in the prospective applicant's home.

There is no minimum number of hours of time required for orientation, only that it is provided before they are assessed.

R 400.12708 Child evaluation.

(1) The intent of this rule is that there be a current study and evaluation of the child that encompasses their time in care up to the referral for adoption.

(2) The intent of this rule is that there be a current study of a family (not just the prospective adoptive parents) to assure, as much as possible, that a child will be well cared for and safe in an adoptive family. A current study means one that has been completed within the 12 months prior to an adoptive placement. If studies have been completed in the past for purposes of foster home licensing, other adoptions, or by another agency, the recommendation by the agency to accept the information in those studies is an indication that the agency accepts the information in the study as accurate and factual. Any items that have changed from previous studies, even if the study was completed within the previous 12 months, such as the adoption of other children, changes in employment or living situations, etc., must be addressed prior to making a recommendation for new adoptive placements.

R 400.12709 Placement selection.

Subsection (5) refers to a direct consent adoption as allowed by the probate code

R 400.12710 Adoptive parent information.

There is no mandatory format for sharing the information with adoptive parents, however, the agency must be able to document that the information identified in subpart (1) was provided before the child was placed.

R 400.12712 Supervision.

- (1) The dates of the required supervisory visits are based on the date the of child's placement into the home. If the child is in the home as a foster child, the dates of required visits are based on when the child's status changes to adoption.
- (3) There is no requirement that the information provided to adoptive parents at the end of visits be provided in writing. The intent of this subsection is that adoptive parents be informed of the agency's evaluation of the adoptive placement on an ongoing basis.

R 400.12713 Adoption placement record.

When an adoption agency closes, whether voluntarily or through disciplinary licensing action, the agency is to turn all files over to the DHHS Adoption Program Office.

PART 8 INTER-COUNTRY ADOPTION

R 400.12802 Program statement.

An agency must have policies and procedures that comply, at a minimum, with the requirements in the rules that correspond to the subsections. If an agency's policies and procedures exceed the minimum requirements specified in the rule, the agency is required to follow the written policies and procedures. An agency that does not follow its own policies may be cited as being in violation of this rule.

- (6) Contracted individuals are considered staff and all relevant personnel rules apply.

R 400.12803 Policies and procedures.

- (c) Fees that are charged to families that are requesting adoption from a different country need to clearly state what charges are related to the specific country and what additional fees will be charged if the family switches from one country to another country. The policy shall also clearly state whether any portion of fees is refundable if an adoption is not completed.

R 400.12807 Supervision.

(1) The dates of the required supervisory visits are based on the date the of child's placement into the home. If the child is in the home as a foster child, the dates of required visits are based on when the child's status changes to adoption. If the country or origin for the child has supervisory requirements, those requirements must be followed, even if they are more stringent than similar adoptions completed in Michigan.

(3) There is no requirement that the information provided to adoptive parents at the end of visits be provided in writing. The intent of this subsection is that adoptive parents be informed of the agency's evaluation of the adoptive placement on an ongoing basis.

SRM 200 page 12-13 HANDLING CHRI MEDIA

SRM 200 page 12-13	HANDLING CHRI MEDIA - FINGERPRINTS
	<p>MiSACWIS meets the computer security and encryption requirements defined in the CJIS Security Policy. Data in MiSACWIS and Filenet is encrypted from storage until it is delivered to the user. Data at reset in the database is encrypted to AES256/FIPS-140-2 Complaint standards on the SANS. When data is in flight between the database and application server it is encrypted to AES256 standard. When the data is delivered to the user's browser from the application server, it is delivered via HTTPS.</p> <p>All MDHHS computers and systems are held to the security standards established by the Department of Technology, Management and Budget (DTMB). All MDHHS computers are held to the encryption standards in the DTMB Electronic Data and Encryption Technical Standard 1340.00.07. All computers and digital media are disposed of according to DTMB's Secure Disposal of Installed and Removable Digital Media Standard (former Ad Guide 1350.90) Technical Standard 1340.00.13. Both of the above technical standards can be found at:</p> <p>http://inside.michigan.gov/dtmb/wr/psp/Pages/2_DTMB_IT_PSP.aspx</p> <p>All licensed CPAs will be required to meet all computer encryption and destruction standards defined in CJIS.</p>

	<p>Controlled Area Requirements</p> <p>Electronic and physical CW-CHRI media must be securely stored within physically secure locations or controlled areas. Access to such media is restricted to authorized personnel only and secured at all times when not in use or under the supervision of an authorized personnel.</p> <p>Controlled area is defined as a physically secure location where CHRI is stored and processed. If a secure location cannot be established then access to the area where CHRI is stored must be limited to authorized personnel. CHRI must be locked and secured when unattended and computer screens will be positioned in such a way to prevent unauthorized access or view.</p> <p>Physical CW-CHRI Media</p> <p>Physical CW-CHRI media must be stored in a separate file designated for CW-CHRI.</p> <p>Physical media is defined as any physical/paper copies of documents that contain CHRI including but not limited to the physical results of the fingerprint-based criminal history, description and assessment of the fingerprint-based criminal history in the BCAL-3130 Initial Foster Home/Adoption Evaluation or the DHS-612, Adoptive Family Assessment Addendum.</p> <p>Physical CW-CHRI media must be maintained in a secure location such as within a lockable filing cabinet, closet, office, safe or vault.</p> <p>CW-CHRI should only be in the adoptive families file and the foster home licensing file. It is NOT required to be stored in any other files.</p> <p>Physical Media in Transit</p> <p>Physical CHRI media must be transported from the LASO within DCWL at MDHHS central office to individuals determined to be <i>authorized personnel</i> in CPAs.</p> <p>Transportation (the movement of physical CHRI media) of physical CHRI media from one office to another must occur through State of Michigan ID mail system or through the United States Postal Service in a sealed envelope..</p>

CI 16-019 Placements in the City of Flint Water Catchment Area

This Communication Issuance (CI) is being released for several purposes:

- To provide instruction regarding children who are currently placed in the Flint water catchment area or were placed there from April 2014 to January 2016.
- To provide guidance regarding children who may be placed in the Flint water catchment area in the future.
- To provide guidance for licensing and adoption workers working with families in the Flint water catchment area.
- To provide a statewide update regarding the ongoing efforts to ensure the safety and wellbeing of the children and families whom we work with in the Flint water catchment area.

As new information becomes available regarding the water situation in Flint, the MDHHS Children's Services Agency (CSA) will provide updated communications. MDHHS CSA is committed to assisting those residing in the Flint water catchment area. Public and private child welfare staff who are working with families affected have been equipped with supplies and resources to assist families and they are doing a tremendous job.

Current placements and/or children who resided in the Flint water catchment area from April 2014 to January 2016:

In order to verify the well-being of children placed in the Flint water catchment area from April 2014 to current, MDHHS is requiring child welfare workers to complete and document specific action steps:

- All caregivers utilizing city of Flint water must have their unfiltered water tested and results must be documented in MiSACWIS and the licensing file (if applicable). The assigned foster care or licensing worker is responsible to ensure that each family who has not already had their unfiltered water tested, has submitted their water for testing by 2/10/16.
- All children under the age of 6 who live in the city of Flint water catchment area must see their primary physician for Blood Lead Level (BLL) testing unless the physician does not advise BLL testing. This action must be completed by March 18, 2016.
- All caregivers for children age 6 or over, who reside in the city of Flint water catchment area, must inform the child's physician of the child's possible lead exposure at their next primary care appointment. Unless a child is showing any symptoms or concerns, then an appointment should be made immediately.
- For children who no longer reside in the Flint water catchment area but were placed there sometime between April 2014 to January 2016 and continue to be under MDHHS care and supervision:
 - The caregiver must be notified of the child's possible exposure to lead.
 - For children under the age of 6: The child must see their primary physician for BLL testing unless the physician does not advise BLL testing. This action must be completed by March 18, 2016.

- For children age 6 and over: The caregiver must inform the primary care physician of the child's possible lead exposure at their next primary care appointment. Unless a child is showing any symptoms or concerns, then an appointment should be made immediately.

For children who were placed in the city of Flint water catchment area sometime between April 2014 to January 2016 and are no longer under MDHHS care and supervision:

- A letter will be sent by CSA alerting the caregiver of the child's possible exposure to lead and will include the recommendation that the child's physician be informed of the child's possible lead exposure at their next primary care appointment or sooner depending on the age of the child.

Following this communication, two spreadsheets will be sent to all county directors who currently have or had children placed in the city of Flint water catchment area who require immediate and ongoing attention. If the county did NOT have a child placed in the Flint water catchment area during this time, they will NOT receive a spreadsheet. If a county believes that they should have received a spreadsheet and did not, please contact MDHHS-Childwelfare-Flintwater@michigan.gov. The county director receiving the spreadsheet is responsible for the dissemination of case specific information to private agency partners for follow-up and for weekly progress reporting on all cases identified on their specific spreadsheets. Directions on follow-up will be included for those that receive a spreadsheet.

Ongoing requirements for all placements using city of Flint water:

Until further notice, during monthly home visits with all placement providers utilizing city of Flint water, assigned child welfare workers must have a safety planning conversation with unlicensed/licensed caregivers and the conversation must include the following:

- Caregivers utilizing city of Flint water must have their unfiltered water tested and results must be documented in MiSACWIS and the licensing file (if applicable). Bottled water must be used until testing results are received and testing must occur within 5 days of all new placements.
- Caregivers will follow instructions provided in the attachment "Frequently Asked Questions About Lead in Your Home's Water" and use bottled water when filtered water is not available. The "Frequently Asked Questions" document can be found at:
http://www.michigan.gov/documents/deq/2015-10-21_-_Lead_-_Flint_Water_FINAL_504265_7.pdf?20160121105933
- Caregivers must view online training including proper water filter installation and review the "Letter to Flint Parents." The instruction video on proper filter installation is found at:
www.Michigan.gov/flintwater/ and the letter can be found at http://www.michigan.gov/documents/deq/deq-flintwater-Parent-Letter_-_FINAL_505194_7.pdf?20160126091024
- Caregivers must ensure that a water filter(s) has been installed and when necessary, a replacement cartridge(s) has been changed according to water filter instructions.

- Caregivers are responsible for ensuring that all substitute care providers using city of Flint water have installed water filters or are using bottled water.

The safety planning conversation is required to be documented in MiSACWIS social work contacts, the licensing file (if applicable) and the attached form “Safety Planning Verification: City of Flint Water” must be signed and included in the associated file(s). See further instructions on the bottom of the form. A PDF and a Microsoft Word copy are attached.

Future placements in the city of Flint water catchment area:

All child welfare workers who are considering placing a child in any placement that uses city of Flint water must verify the placement has tested their water, received confirmation of the test results and observe that the placement has a clean water supply (installed water filter or filtered water pitcher and has a replacement filter cartridge). The child welfare worker must also ensure that the placement provider is aware of available resources (<http://www.michigan.gov/flintwater>). Note: If the placement has not had water testing and/or does not have an installed filter, the caregiver must sign the attached “Safety Planning Verification: City of Flint Water” which states they will have their water tested, only use bottled water until test results are received, and install proper filters within 5 days.

Child welfare workers are required to document the observation and resource discussion in the social work contacts section of MiSACWIS and complete the attached “Safety Planning Verification: City of Flint Water.” For any new relative placements who utilize city of Flint water, the child welfare worker completing the screen/assessment must also document this information on the DHS-588 and/or DHS-3130a. All identified substitute caretakers must also have a clean water supply.

Guidance for licensing and adoption workers working with families in the Flint water catchment area:

For families in the licensing process or being studied for adoption, verification that the home water supply is from a source that is approved for a private home by the health authority is required to be documented in the BCAL-3130 and DHS-612. Updated child specific medical information is also to be included in the DHS-612. Licensing and adoption workers must ensure that families receive information on available resources located at <http://www.michigan.gov/flintwater>.

All currently licensed foster home providers who reside in the city of Flint water catchment area must complete the attached Foster Parent Agency Agreement Addendum by February 19, 2016; (Licensing Rules for Child Placing Agencies, R400.12311 (3) Foster parent/agency agreement).

The foster parents agree:

To have and use a clean water source. Available resources are located at <http://www.michigan.gov/flintwater>.

- To follow instructions provided in the attachment “Frequently Asked Questions About Lead in Flint Water” and use bottled water when filtered water is not available. The

“Frequently Asked Questions” document can be found at: http://www.michigan.gov/documents/deq/2015-10-21_-_Lead_-_Flint_Water_FINAL_504265_7.pdf?20160121105933

- To view online training including proper water filter installation and review the “Letter to Flint Parents.” The instruction video on proper filter installation is found at: [www.Michigan.gov/flintwater/](http://www.michigan.gov/flintwater/) and the letter can be found at http://www.michigan.gov/documents/deq/deq-flintwater-Parent-Letter_-_FINAL_505194_7.pdf?20160126091024.
- To ensure that my substitute care provider, if located within the Flint water catchment area have installed water filters or are using bottled water.
- To submit an unfiltered water sample for testing and view the video entitled “How to Properly Test Your Water” at <http://www.mi.gov/flintwater/0,6092,7-345--374459--,00.html>
- For children placed in my home under the age of 6, medical appointments with their primary physician will be scheduled for BLL testing unless the physician does not advise BLL testing. This action must be completed by March 18, 2016 and documentation of the appointment and results provided the child’s caseworker.
- For children placed in my home ages 6 or over, the child’s physician will be informed of the child’s possible lead exposure at their next primary care appointment. If testing was not recommended, this information will be provided to the child’s caseworker.

The child placing agency agrees:

- To provide assistance in accessing available water and medical resources. Resources are available at <http://www.michigan.gov/flintwater>.
- To document “completion of proper filter installation” on-line training in the foster parent record.
- To document in the foster parent record verification that the foster home as an approved water source available and water testing kits have been provided.
- To document water testing results in the foster parent record.
- To provide the foster parent with a signed copy of the updated Foster Parent Agency Agreement.
- To review the <http://www.michigan.gov/flintwater> for updated information which will be provided to the foster parents as information becomes available.

Resources/questions:

Additional information and resources can be found at <http://www.michigan.gov/flintwater> and/or by contacting your local 2-1-1. MDHHS is committed to ensuring the safety and well-being of all children under our care and supervision, if you have questions please contact your local county office director or email MDHHS-Childwelfare-Flintwater@michigan.gov.

Attachments:

Form: Safety Planning Verification: Regarding City of Flint Water (PDF Copy)
Form: Safety Planning Verification: Regarding City of Flint Water (Word Copy)
Form: Foster Parent Agency Agreement Addendum (PDF Copy)
Form: Foster Parent Agency Agreement Addendum (Word Copy)
Frequently Asked Questions About Lead in Your Home's Water
Letter for Flint Parents